



SEVENTEENTH LEGISLATURE

HOUSE OF REPRESENTATIVES

LEGISLATIVE JOURNAL

FIRST REGULAR SESSION, 2010

Fourth Day

Friday, February 5, 2010

The House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature convened its Fourth Day, First Regular Session on Friday, 5th of February 2010, at 10:10 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

Speaker Froilan C. Tenorio: Will the Clerk please call the roll.

ROLL CALL

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	absent
Representative Felicidad Taman Ogumoro	present
Representative Joseph M. Palacios	absent
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 McGinnis Torres	absent

Representative Edmund Joseph S. Villagomez present
Representative Ray N. Yumul present

House Clerk Evelyn C. Fleming: Mr. Speaker, seventeen members are present and three members are absent.

Speaker Froilan C. Tenorio: We have a quorum. The next item on the agenda is, Public Comments.

For the record Representatives Joseph Deleon Guerrero and Stanley T. McGinnis-Torres, arrived after the calling of the roll. Both Representatives were duly marked present.

PUBLIC COMMENTS

Speaker Froilan C. Tenorio: This is the opportunity for any one in the audience to express his/her feelings, we welcome anything that you might like to say? If none therefore we go on to Item 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 is none, Mr. Speaker.

Speaker Froilan C. Tenorio: Introduction of Bills.

INTRODUCTION OF BILLS

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

Representative Raymond D. Palacios: Mr. Speaker and members we have an individual here in the gallery with us today and if there are no objections before we proceed with Item 4, can we dissolve into the committee of the whole so that we can present House Resolution 17-3.

There were no objections on the floor to dissolve in to committee of the whole.

Speaker Froilan C. Tenorio: Are there any discussions?

There being no discussions the House dissolves in to the committee of the whole.

The House dissolved into the Committee of the Whole at 10:15 a.m.

COMMITTEE OF THE WHOLE

Representative Raymond D. Palacios: I would also like to request the presence of each member because this is committee of the whole. Thank you all for your patients. This is House Resolution 17-3, to recognize and congratulate Mr. Vicente "Ben" M. Babauta on his selection as the Saipan Chamber of Commerce 2009 Business Person of the Year. Mr. Babauta, it is our pleasure, the Seventeenth CNMI Commonwealth Legislature, House of Representatives to present to you House Resolution 17-3.

REPRESENTATIVE RAYMOND D. PALACIOS of Saipan, Precinct 2 (*for himself*), REPRESENTATIVES RAFAEL S. DEMAPAN, RAMON S. BASA, DIEGO T. BENAVENTE, ELICEO D. CABRERA, GEORGE N. CAMACHO, TRENTON B. CONNER, FRANCISCO S. DELA CRUZ, JOSEPH P. DELEON GUERRERO, FREDERICK P. DELEON GUERRERO, SYLVESTRE I. IGUEL, FELICIDAD T. OGUMORO, JOSEPH M. PALACIOS, ANTONIO P. SABLAN, TERESITA A. SANTOS, RAMON A

TEBUTEB, FROILAN C. TENORIO, STANLEY T. MCGINNIS-TORRES, EDMUND S. VILLAGOMEZ AND RAY N. YUMUL) in an open and public meeting with an opportunity for the public to comment, introduced the following Resolution:

H. RES. 17-3:

To recognize and congratulate Mr. Vicente “Ben” M. Babauta on his selection as the Saipan Chamber of Commerce 2009 Business Person of the Year.

WHEREAS, the Commonwealth of the Northern Mariana Islands and Guam are both strategically located in the Western Pacific chain of islands known as the Mariana Islands; and

WHEREAS, the indigenous people of these islands have for long freely established contacts and interacted with one another before being “discovered” by Westerners; and

WHEREAS, the Mariana Islands that was once one was separated by geopolitical necessity and strategic convenience; and

WHEREAS, both the CNMI and Guam proudly share the same indigenous culture, language, ethnicity, and history; and

WHEREAS, both island entities share common interests and concerns such as in the tourism market, barriers to economic development in part due to the unanticipated effects of federal statutes and regulations and indigenous ancestral ties; and

WHEREAS, with anticipated military build-up on the island of Guam, it opens an opportunity for the Commonwealth to benefit; and

WHEREAS, the signing of Public Law 110-229 by then President George W. Bush, which took over immigration of the CNMI, tourist markets such as China and Russia were excluded in the visa waiver; and

WHEREAS, the Chinese and Russian markets are fairly new, they’re fast market and a vital part of the ailing tourism industry in the CNMI and Guam; and

WHEREAS, it is in the best public interest that the Legislatures of these two island entities work cooperatively for their mutual interests, concerns and benefits with the United States;

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Seventeenth Commonwealth Legislature, the Senate concurring;, supporting the formation of the Mariana Islands Legislature Association (MILA); and

BE IT FURTHER RESOLVED that the Speaker of the House of Representatives and the President of the Senate shall certify and the House Clerk and the Senate Legislative Secretary shall attest to the adoption of this resolution and thereafter transmit certified copies to the to the Honorable Judith T. Won Pat, Speaker of the 30th Guam Legislature; the Honorable members of the 30th Guam Legislature; the Honorable Felix P. Camacho, Governor of Guam; the Honorable members of the 17th Commonwealth Legislature; the Honorable Melchor Mendiola, Mayor of Rota; the Honorable Ramon Dela Cruz, Mayor of Tinian and Aguiguan, the Honorable Donald Flores, Mayor of Saipan, the Honorable Ramona T. Rubuenog, Mayor of the Northern Islands; and the Honorable Benigno R. Fitial, Governor of the Commonwealth of the Northern Mariana Islands.

Duly adopted on the 1st day of February, 2010

(Applause)

Speaker Froilan C. Tenorio: Well, I would just like to congratulate Mr. Babauta and his wife, we look forward to more opportunities for you in the future to assist the community and so on behalf of the House of Representatives I thank you for this opportunity to present you this resolution.

(Applause)

Mr. Vicente Babauta: Well, I would like to thank each and every one of you for this honor resolution it means a lot also and definitely more miles for me to continue on with what I am doing and I would like to just say that it is basically all about attitude I think in making a difference for community and each one of you are responsible of our community and so am I and I will do my part

while you guys do your part and it would definitely be a joint venture partnership for a better Commonwealth . Thank you.

(Applause)

Speaker Froilan C. Tenorio: Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker, I would like to move that we rise back to our plenary session.

The motion was seconded and carried by voice vote.

The House reconvened at in plenary session at 10:20 a.m.

Speaker Froilan C. Tenorio: We are now back to our plenary session. The Chair recognizes Representative Joseph Deleon Guerrero.

Representative Joseph P. Deleon Guerrero: Thank you, Mr. Speaker I would like to ask the Clerk to have our records reflect that I am present for today's session.

Speaker Froilan C. Tenorio: It is so noted, Representative Joseph Deleon Guerrero.

For the record Representative Joseph Deleon Guerrero, arrived after the calling of the roll and was duly marked present.

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

Representative Yumul: Can we recognize our Chairman of the Saipan Municipal Council, Mr. Ramon Camacho in the gallery? Thank you.

Speaker Froilan C. Tenorio: So recognized, Councilman Camacho. We are under Introduction of Bills. The Chair recognizes Representative Tebuteb, you are introducing House Bill 17-16?

Representative Tebuteb: Thank you, Mr. Speaker, introducing House Bill 17-16 this is a request by the Professional Licensing Board. Thank you.

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

HOUSE BILL 17-16:

To amend the Board of Professional Licensing's licensing requirements by repealing and reenacting Chapters 1 and 2 of the Division 3, Title 4 of the Commonwealth Code; and for other purposes.

Introduced By: REPRESENTATIVE RAMON A. TEBUTEB of Saipan, Precinct 3 *(for himself) (BY REQUEST)*

Referred to the Committee on Judiciary and Governmental Operations.

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

Representative Santos: Thank you, Mr. Speaker, I would like to introduce House Bill 17-19, a bill for an act to amend 2 CMC § 4335; and for other purposes. This bill, shall be known as the “Natural Disaster Village Homestead Waiver Act of 2010” and the purpose of this bill is to waive from rebuilding of a second residential dwelling and that a homesteader be issued a quick claim deed when a homesteader has shown proof that he/she has built or constructed a residential home on his/her village homestead lot. There have been instances where the former MPLA (Marianas Public Land Authority) and now DPL (Department of Public Lands) have waived rebuilding and issued quick claim deeds when there was evidence or has been proven by the homesteader that he/she has built a residential house on his/her homestead lot but was destroyed by or damaged by a typhoon. I would also like to ask my colleagues to cosponsor this bill. Thank you, Mr. Speaker.

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

HOUSE BILL 17-19:

To amend 2 CMC § 4335; and for other purposes.

Introduced By: REPRESENTATIVE TERESITA A. SANTOS of Rota, Precinct 7 (*for herself* and REPRESENTATIVES JOSEPH M. PALACIOS, BENAVENTE, YUMUL, and IGUEL)

Referred to the Committee on Natural Resources.

Speaker Froilan C. Tenorio: Aight, House Bill 17-19 is assigned to the Committee on Natural Recourses, and Representative Tebuteb, your bill is assigned to JGO (Judiciary and Governmental Operations). The Chair recognizes Representative Villagomez.

Representative Villagomez: Thank you, Mr. Speaker, introducing House Bill 17-17, a bill for an act to strengthen penalties for minors consuming alcoholic beverages, and impose stiffer fines for persons or establishments who are providing and selling alcoholic beverages to minors, and to amend, repeal and reenact certain sections of 4 CMC, Division 5, Chapter 5; and for other purposes. Thank you.

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

HOUSE BILL 17-17:

To strengthen penalties for minors consuming alcoholic beverages, and impose stiffer fines for persons or establishments who are providing and selling alcoholic beverages to minors, and to amend, repeal and reenact certain sections of 4 CMC, Division 5, Chapter 5; and for other purposes.

Introduced 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, that bill is assigned to JGO. The Chair recognizes Representative Raymond Palacios.

Representative Raymond D. Palacios: Can I request that this body be provided with a copy before introducing these bills because I do not have copies of House Bill 17-17 and House Bill 17-19, and I am not aware as to what these bills are. I do not know but I do not have copies.

Speaker Froilan C. Tenorio: Clerk recognized.

House Clerk Evelyn Fleming: Mr. Speaker, copies have been provided to the members' offices.

Speaker Froilan C. Tenorio: We move on. On House Bill 17-18, the Chair recognizes Representative Frederick Deleon Guerrero.

Representative Fredrick P. Deleon Guerrero: Thank you, Mr. Speaker, introducing House Bill 17-18 to authorize the Department of Public Safety to permit private companies to serve bench warrants issued by the CNMI Courts.

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

HOUSE BILL 17-18:

To authorize the Department of Public Safety to permit private companies to serve bench warrants issued by the CNMI Courts.

Introduced By REPRESENTATIVE FREDERICK P. DELEON GUERRERO of Saipan, Precinct 5 (*for himself*)

Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, that bill is assigned to the Committee on JGO. The Chair now recognizes Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker, I would like to introduce House Bill 17-20, a bill for an act to provide for the lateral transfer of the Division of Immigration personnel to other agencies or departments of the Commonwealth Government and for other purposes. A similar bill was introduced in the previous Legislature, however, that was before the federalization and federalization has already occurred and the employees are still out there temporarily assigned to various agencies and this Act is to effectuate the official lateral transfer of those employees. Thank you, Mr. Speaker.

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

HOUSE BILL 17-20:

To provide for the lateral transfer of Division of Immigration personnel to other agencies or departments of the Commonwealth Government; and for other purpose

Introduced By REPRESENTATIVE ANTONIO P. SABLAN of Saipan, Precinct 1 (*for himself* and REPRESENTATIVES JOSEPH M. PALACIOS, CABRERA, and JOSEPH P. DELEON GUERRERO)

Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, Representative Sablan. That bill is assigned to the Committee on JGO.

Representative Demapan: Privilege, Mr. Speaker.

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

Representative Demapan: *Si Yu'us Ma'ase, Mr. Speaker*, in line with House Bill 17-20, this is just to inform the members that I did write a letter to the Attorney General as to the disposition of that matter regarding the former Immigration employees. I have not received any communication yet from the Attorney General's Office. As soon as I get that information maybe we will have a better idea as to where those employees are heading and to their status of their employment. Thank you.

Speaker Froilan C. Tenorio: Thank you, Representative Demapan. The Chair recognizes Representative Antonio Sablan.

Representative Sablan: Thank you again, Mr. Speaker, I would like to introduce House Bill 17-21, a bill for an act to amend Title 6, Section 223 to provide the Department of Safety with the authority to dispose of all firearms, dangerous devices, or ammunitions within its custody and to require DPS to promulgate rules and regulations for the fair and safe disposition of all firearms, dangerous devices, or ammunitions within its custody; and for other purposes. Thank you, Mr. Speaker.

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

HOUSE BILL 17-21:

To amend Title 6, Section 223 to provide the Department of Safety with the authority to dispose of all firearms, dangerous devices, or ammunitions within its custody and to require DPS to promulgate rules and regulations for the fair and safe disposition of all firearms, dangerous devices, or ammunitions within its custody; and for other purposes.

Introduced By REPRESENTATIVE ANTONIO P. SABLAN of Saipan, Precinct 1 (*for himself*)
Referred to the Committee on Judiciary and Governmental Operations

Speaker Froilan C. Tenorio: Thank you, Representative Sablan that bill is assigned to the Committee on JGO. The Chair now recognizes Representative Basa.

Representative Basa: Thank you, Mr. Speaker and *Hafa Adai para todū i membru*. I would like to introduce House Bill 17-22. This bill is to implement a reduced-hour Government pay period, establish Government austerity holidays and unpaid legal holidays within the Commonwealth and for other purposes.

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

HOUSE BILL 17-22:

To implement a reduced-hour Government pay period, establish Government austerity HOLIDAYS and unpaid legal Holidays within the Commonwealth; and for other purposes.

Introduced By REPRESENTATIVE RAMON B. BASA of Saipan, Precinct 5 (*for himself* and REPRESENTATIVE ELICEO D. CABRERA)

Referred to the Committee on Ways and Means

Speaker Froilan C. Tenorio: Thank you, that bill is assigned to your Committee, Committee on Ways and Means. The Chair recognizes Representative Santos.

Representative Santos: Thank you, Mr. Speaker, I would like to introduce a prefiled House Bill 17-23, a bill for an act to earmark MPLT (Marianas Public Lands Trust) revenues for the Rota Gaming Commission for personnel costs and for contract obligations of the Commission for Fiscal Years 2011 and 2012; and for other purposes and at the same I would like to seek the support of my colleagues to cosponsor this bill. Thank you, Mr. Speaker.

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

HOUSE BILL 17-23:

To earmark MPLT revenues for the Rota Gaming Commission for personnel costs and for contract obligations of the Commission for Fiscal Years 2011 and 2012; and for other purposes.

Introduced By REPRESENTATIVE TERESITA A. SANTOS of Rota, Precinct 7 (*for herself*)
Referred to the Committee on Ways and Means

Speaker Froilan C. Tenorio: Thank you, Representative Santos that bill is assigned to the Committee on Ways and Means. Are there any more bills for introduction, the Chair recognizes the Representative from Precinct 1, Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker, I have an unnumbered bill to introduce this morning and before I read the title of the bill, I would like to inform every one that copies of an *article* which I have gotten the idea from to introducing this legislation have been passed out and I encourage every one of you to please take the time to read the article. I took the article out from the *Reader's Digest December edition (Appendix A)*. This is going to be one of those legislations which, I would think that it will probably be initially unpopular as far as the teenage drivers are concerned, but I think that after reading the article and thinking more about this idea, I felt just like the movements throughout the United States in which most all the States now have imposed a similar restrictions on teenage drivers. I feel that it is important that we in the Commonwealth do as well because the statistics that you would read out of the *Reader's Digest* article and we have yet to receive the statistics that we have requested from the Department of Public Safety, but I would imagine thinking back as to how many of our own teenagers that have died in car crashes, I would think that the statistics would probably be the same. So at this time, I would like to introduce an unnumbered legislation, a bill for an act to amend Chapter 5 under Title 9 of the Commonwealth Code to impose additional restrictions for all persons applying for the issuance of a Learner's Permit in the Commonwealth; and for other purposes. I know that this might be one of those controversial piece of legislations, I did not even bother circulating it among my fellow colleagues in the Minority

Bloc, but I certainly welcome who has had the opportunity to read the article and the legislation to cosponsor the legislation. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Thank you, Representative Benavente, I must apologize, but what is the purpose of the bill again?

Representative Benavente: To provide further restrictions on basically teenage drivers, those drivers who are below a certain age who are qualified for learner's permit and as well as the regular driver's license under certain age.

Speaker Froilan C. Tenorio: So we have a draft bill?

Representative Benavente: It is actually a formal bill that is unnumbered and the Clerk will assign a number to it now.

Speaker Froilan C. Tenorio: Thank you, that bill is numbered House Bill 17-24 and it is assigned to the Committee on JGO.

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

HOUSE BILL 17-24:

To amend Chapter 5 under Title 9 of the Commonwealth Code to impose additional restrictions for all persons applying for the issuance of a Learner's Permit in the Commonwealth; and for other purposes.

Introduced By REPRESENTATIVE DIEGO T. BENAVENTE of Saipan, Precinct 1 (*for himself*)
Referred to the Committee on Judiciary and Governmental Operations

Representative Cabrera: Privilege, Mr. Speaker.

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

Representative Cabrera: I fully agree with Representative Benavente in regards to his bill because in the State of Hawaii there is a law that you cannot be driving and having any gadgets in your hand. The first offense in Hawaii is \$67. Why \$67? I never got to the point, but it is prohibited to have any form of gadget on the driver, you cannot have iPod you name it, any form of electronic gadgets is prohibited in the State of Hawaii for drivers to be holding. It was on the paper not too long ago that they passed that similar legislation in California. On *Fox News* the California Governor, Arnold Schwarzenegger's wife was caught using a cell phone while driving – they took a picture of her and it was posted on *Fox News*. That was in California, but in Hawaii it is prohibited to have any form of electronic gadgets in the driver's possession. It might be controversial to some and it is good that Representative Benavente requested the statistics from DPS and hopefully we can maybe analyze that. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Thank you, Representative Cabrera. We now move to introductions of House Local Bills. The Chair now recognizes Representative Torres.

Representative Stanley McGinnis-Torres: Thank you, Mr. Speaker, I would like to let the Chair and the Clerk note that I am present for today's session.

Speaker Froilan C. Tenorio: So noted, Representative Torres. Are there any House Legislative Initiatives to be introduced.

There were no House Legislative Initiatives introduced.

Speaker Froilan C. Tenorio: We move down introductions of resolutions. Are there any House Commemorative Resolutions for introductions? The Chair recognizes Representative Benavente.

Representative Benavente: Mr. Speaker, I do have a House Resolution to introduce, but did you prefer to follow the Order of Business at this point, I can yield or should we go ahead and introduce all the resolutions, Commemoratives, House Resolutions, House Joint Resolutions during this part of the Order of Business?

Speaker Froilan C. Tenorio: Well, let us try to go from A, B, C, and D.

Representative Benavente: Okay.

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

Representative Joseph P. Deleon Guerrero: Mr. Speaker, I may be wrong, but I would like to find out if House Local Bill 17-6 has been introduced already, if it has then I yield.

Speaker Froilan C. Tenorio: House Local Bill 17-6?

Representative Joseph P. Deleon Guerrero: I believe Representative Ogumoro has a local bill.

Speaker Froilan C. Tenorio: A very brief recess, please.

The House recessed at 10:41 a.m.

RECESS

The House reconvened at 10:41 a.m.

Speaker Froilan C. Tenorio: This House is back in session and the Chair recognizes the Vice Speaker.

Vice Speaker Ogumoro: Thank you, Mr. Speaker and thank you Representative Joseph Deleon Guerrero. Yes, House Local Bill 17-6 was prefiled on the 3rd of February and I would like to formally introduce it today before we continue on with our resolution Calendar. House Local Bill 17-6 is meant to take care of the vacancies in the absence of the Mayor, who does he appoints to take over while he is gone. Thank you, Mr. Speaker.

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

HOUSE LOCAL BILL 17-6:

To amend 10 CMC § 3901; and for other purposes.

Sponsored By REPRESENTATIVE FELICIDAD T. OGUMORO of Saipan, Precinct 3
First Legislative Day Appearance

Speaker Froilan C. Tenorio: Thank you. Are there any more local bills? If none, let us move on to Item 5 (B) House Resolutions and the Chair now recognizes Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker, I would like to introduce a prefiled House Resolution 17-5. A House Resolution to officially invite the Honorable Barack H. Obama, President of the United States of America, to visit the Commonwealth of the Northern Mariana Islands.

Representative Benavente introduced the following prefiled House Resolution with majority of the members consent made part of the day's agenda:

HOUSE RESOLUTION 17-5:

To officially invite the Honorable Barack H. Obama, President of the United States of America, to visit the Commonwealth of the Northern Mariana Islands.

Introduced By REPRESENTATIVE DIEGO T. BENAVENTE of Saipan, Precinct 1 (*for himself*, and REPRESENTATIVES TEBUTEB, SABLAN, CABRERA, YUMUL, CONNER, JOSEPH P. DELEON GUERRERO, MCGINNIS-TORRES, DELA CRUZ, and JOSEPH PALACIOS)
Referred to the Committee on Federal and Foreign Relations.

Speaker Froilan C. Tenorio: Thank you, Representative Benavente, I would say that the proper Committee that would handle that would be the Committee on Federal and Foreign Relations. Representative Benavente recognized.

Representative Benavente: Mr. Speaker, even with the OGA (Open Government Act) requirement we do have the opportunity to take action on this resolution given that it is something that is of pressing matter because though the trip is scheduled sometime in March, the sooner that we should provide and make this formal invitation to the President the better the opportunity to find the time and schedule to allow the President to visit the Commonwealth during his visit to Guam. I wanted to request during the appropriate time, which is under the Resolution Calendar, if the members may consider waiving the OGA requirement to allow this resolution to be placed on today's Resolution Calendar, much like the Senate did yesterday in their Session, but if the Speaker and the Majority wishes to assign it to the Committee, then I of course would yield at this time. Thank you.

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

Representative Stanley McGinnis-Torres: Mr. Speaker, I would like to move that we place that resolution that Representative has introduced on today's Resolution Calendar for adoption.

The motion was seconded by several members.

Speaker Froilan C. Tenorio: Representative Benavente recognized.

Representative Benavente: Under discussion on the motion and I appreciate that motion being offered by Representative Stanley McGinnis-Torres, we may need to check with the Legal Counsel and the Clerk before we entertain that motion. I believe that we would have to waive the OGA requirement and get a majority of the members to vote and I think orally - individually vote on this waiver before we can entertain the motion to place it on today's Calendar. Can we check with the Legal Counsel Mr. Speaker?

Speaker Froilan C. Tenorio: So be it. A brief recess please.

The House recessed at 10:45 a.m.

RECESS

The House reconvened at 10:48 a.m.

Speaker Froilan C. Tenorio: This House is back in session. Representative Torres you are recognized.

Representative Stanley McGinnis-Torres: I would like to withdraw my motion.

Representative Benavente: Point of clarification, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Benavente recognized.

Representative Benavente: I would like to apologize and thank Representative Torres for withdrawing his motion. I had made a mistake, if the resolution was prefiled and under the Order of Business and we had the opportunity for Public Comments, then we would have had the opportunity to waive the additional OGA requirements and take action on it. But because we did not give the opportunity for Public Comment we cannot waive that requirement and therefore we cannot place this on today's Calendar, that is why I had asked Representative Torres to withdraw the motion and we can take it up at a later time. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: We are under Item 5 (B), are there any more to be introduced. The Chair recognizes the Vice Speaker.

Vice Speaker Ogumoro: Thank you, Mr. Speaker, I would like to introduce a prefiled House Resolution 17-4 to support the Carolinian Affairs Office (CAO) in the implementation of the recommendations from the Carolinian and Related Language Assistance (CARLA) Project and the first Carolinian Language Symposium on maintenance and preservation of the indigenous language.

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

HOUSE RESOLUTION 17-4:

To support the Carolinian Affairs Office (CAO) in the implementation of the recommendations from the Carolinian and Related Language Assistance (CARLA) Project

and the first Carolinian Language Symposium on maintenance and preservation of the indigenous language

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

Speaker Froilan C. Tenorio: House Resolution 17-4 is assigned to the Committee on HEW. We are back to Item 5 (C) House Concurrent Resolutions and the Chair recognizes Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, I was trying to see if there was going to be some discussion on House Resolution 17-4, my question would be, is there any urgency it is basically in support of this projects and it avails funding that can be availed for funding for. So I am asking whether there is any urgency with the resolution, if so, I request for placement.

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

Vice Speaker Ogumoro: Mr. Speaker, yes, there is a request for funding and I would like that this resolution be referred to the Committee so that we can weigh in on it. There are some concerns that are still pending and I would like to see that the appropriate applicants or individuals come in and speak with the Committee on those concerns happen. That is why I would like to see that this be addressed immediately after this meeting and hopefully we can place this on the Calendar in the next session. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Thank you, Representative Ogumoro. On Item 5 (D) are there any House Joint Resolutions for introduction? If none we move on to Item 6, Messages from the Governor.

MESSAGES FROM THE GOVERNOR

House Clerk Evelyn Fleming: *Mr. Speaker, there are two communications from the Governor informing this House with the signing of two House Bills from the previous Legislature into law. Copies have been passed out to the members.*

GOV. COMM. 17-11: (1/23/10) Informing the House that he signed into law H. B. No. 16-242, HD1 (To amend the Victims' Rights Act; and for other purposes). Became Public Law 16-52.

GOV. COMM. 17-12: (1/23/10) Informing the House that he signed into law H. B. No. 16-269 (Revised Child Abuse Act of 2009). Became Public Law 16-53.

Speaker Froilan C. Tenorio: Are there any discussions?

Several members voiced ready.

Speaker Froilan C. Tenorio: If none, let us move on to Item 7, Senate Communications.

SENATE COMMUNICATIONS

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

Speaker Froilan C. Tenorio: On House Communications.

HOUSE COMMUNICATIONS

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

Speaker Froilan C. Tenorio: On Item 9, Communications from the Judicial Branch.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

House Clerk Evelyn Fleming: Mr. Speaker, there are three communications from Judicial Branch, from Presiding Judge Robert Naraja certifying three available positions of the Superior Court.

JUD. BR. COMM. 17-1: (1/29/10) From Presiding Judge Robert Naraja certifying that the position of Deputy Clerk I is vacant and must be filled in the Superior Court.

Referred to the Committee on Ways and Means

JUD. BR. COMM. 17-2: (2/1/10) From Presiding Judge Robert Naraja certifying that the position of Records Assistant is vacant and must be filled in the Superior Court.

Referred to the Committee on Ways and Means

JUD. BR. COMM. 17-3: (2/1/10) From Presiding Judge Robert Naraja certifying that the position of Computer Operator I is vacant and must be filled in the Superior Court.

Referred to the Committee on Ways and Means

Speaker Froilan C. Tenorio: Point of information from the Chair, why do we get these letters from the Judicial Branch, are we suppose to do anything about these? The Chair recognizes Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker, under the Planning and Budgeting Act because we are under the continuing budget resolution that the Act calls that the authorized authorities such as, the Governor, the Presiding Officers, Supreme Court Chief Justice and in this case the Presiding Judge that a vacancy exists and that they are certifying to the Legislature that there is funds available to replace. Normally under a continuing budget resolution the requirements kicks in, which this what these documents are that it is a notification to this body that they are going to fill the positions and that funds are certified and available.

Speaker Froilan C. Tenorio: So this is strictly a notification.

Representative Yumul: Yes.

Speaker Froilan C. Tenorio: And we do not have to take any action.

Representative Yumul: No.

Speaker Froilan C. Tenorio: Thank you, Representative Yumul.

Representative Benavente: Point of information, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Benavente, recognized.

Representative Benavente: We are not required to take action, but it should be referred to the Committee on Ways and Means to keep track of the expenditures during the Fiscal Years. So it would be the Committee on Ways and Means who would continue to get that information and keep track when certain positions were filled, what savings if any did it have during the time it was not filled. So it would just be referred to the Committee on Ways and Means. Thank you.

Speaker Froilan C. Tenorio: Thank you, Representative Benavente. So the communications from the Judicial Branch are referred to the Committee on Ways and Means. We move on to Item 9, Communications from the NMI Delegate.

COMMUNICATIONS FROM THE NMI DELEGATE

House Clerk Evelyn Fleming: *Mr. Speaker, there is none.*

Speaker Froilan C. Tenorio: From the Departments and Agencies.

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

House Clerk Evelyn Fleming: *Mr. Speaker, there is none.*

Speaker Froilan C. Tenorio: On Item 12, Miscellaneous Communications.

MISCELLANEOUS COMMUNICATIONS

House Clerk Evelyn Fleming: *Mr. Speaker, there is one communication from the Mayor of the Northern Islands Ms. Ramona Rubuenog regarding the vacancy in the municipal council.*

MISC. COMM. 17-3: (1/29/10) From Northern Islands Mayor Ramona T. Rubuenog in regards to the vacancy in a municipal council position.

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

Representative Benavente: Under discussion on that communication, Mr. Speaker, I just noticed that this particular letter came from the Mayor of the Northern Islands and I think there could possibly be a confusion here as to which Mayor. As the Mayor of the Northern Islands spelled out in the letter what the statute says we are referring to the municipal council that serves both the island of Saipan and the Northern Islands. So since we have a Mayor of Saipan and a Mayor of the Northern Islands then which Mayor or does the law require both Mayors to make the necessary appointment under the statute. I realized that further action on the appointments actually goes to the Legislative Delegation for confirmation, but I guess for the members information and it is maybe a good time to ask or find the time to ask a legal opinion on this matter as to how the Saipan and Northern Islands Legislative Delegation (SNILD) are going to act with regards to which Mayor will be making the official appointment. Thank you.

Speaker Froilan C. Tenorio: You mean it is not clear as to which Mayor is supposed to make that appointment, Representative Benavente?

Representative Benavente: Yes, I do have a question myself. In looking at the statute that was quoted by the Mayor it does say it shall be appointed by the Mayor of which the council represents.

But in this case the three councils actually represent both Saipan and the Northern Islands, where in fact, we have two Mayors under the two jurisdictions. So there might be a possible confusion here and I think that this issue is important and again, it will be the Saipan and Northern Islands Legislative Delegation that will make the necessary confirmation on the appointment, but since it is appearing on our Order of Business for discussion and maybe we should move on and have this discussion during our legislative delegation session, I just wanted to point that out for members to get their own clarification as to how are we going to treat the appointment of that third member to the council. Thank you.

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

Representative Yumul: Thank you, Mr. Speaker. Representative Benavente brought up a very good point. Article VI of the Constitution is kind of vague, it states under Section VI, for municipal councils in case of a vacancy in a municipal council the Mayor of the island or islands serve by the council shall appoint the unsuccessful candidate or in this case, shall appoint since there was no third candidate, it does not clearly say in this regards because we a Mayor of the Northern Islands and a Mayor of Saipan. But be it as it may, what brings it up as a good argument, I believe MISC. COMM. 17-3, is null and void because the CNMI Supreme Court had vacated Ms. Rubuenog as being the elected Mayor until a new election takes place. So at this point the document is actually moot for the time being.

Speaker Froilan C. Tenorio: Representative Cabrera recognized.

Representative Cabrera: If that is the case of the Supreme Court that requires another election, so then who is the present Mayor of the Northern Islands? I stand to be corrected, but until such time that there is an inauguration, that Mayor should be exiting his office while the new Mayor getting inaugurated on that day would be taking over the office. If that is the case then who will be our contact from the Mayor of Northern Islands side between January 11 to the present day? So it is pretty much a gray area because the Supreme Court is telling us there will be another election. I do not know who is going to be the Mayor then to date. Thank you.

Speaker Froilan C. Tenorio: Representative Raymond Palacios recognized.

Representative Raymond Palacios: In line with that discussion is there anything that this body can do to have a Mayor in placed temporarily to address these concerns because my concern here is the full and proper representation for the residents of the Northern Islands. What can be done? What can we do to address these concerns because these people are left out?

Speaker Froilan C. Tenorio: I would like to say something about that. Why not just ask the Mayor of Saipan to make that appointment?

Representative Raymond Palacios: But Mr. Speaker, there might be a conflict there because the residents of the Northern Islands also have the right and they should be properly and fully represented. If we were to allow our Mayor of Saipan to appoint who is representing the people of Saipan, but what about the residents of the Northern Islands. It is just a concern.

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

Representative Joseph Deleon Guerrero: Thank you, Mr. Speaker, I think at this time it is appropriate to ask our legal counsel to look into this matter and provide either this body or the Chair of the Saipan Delegation of his legal opinion, as it was said earlier it will be the Saipan and Northern Islands Delegation that will be confirming the appointment. Thank you.

There were no objections made on the floor.

Speaker Froilan C. Tenorio: You do not think that we should refer this matter to a Committee and then consult with the legal counsel? Representative Tebuteb recognized.

Representative Tebuteb: Thank you, Mr. Speaker it sounds like the confusion is very confusing. The letter is specific, in paragraph four it states, to notify her office if there is going to be a meeting set for this purpose. So maybe the question is, is there any meeting that your office maybe looking into relative to this issue?

Speaker Froilan C. Tenorio: I am not aware with that Representative Tebuteb. Representative Yumul recognized.

Representative Yumul: Again, that, I think is an issue that needs to be clarified after our legal counsel provides a legal opinion. The problem that I have in regards to this document dated January 29 is obviously vacated. The CNMI Supreme Court had already ruled that Rubuenog's candidacy as Mayor is just a candidate now, she is no longer the Mayor by order of the CNMI Supreme Court. So the letter I find troubling because there is no legal authority at this time until an election takes place and that winner has been certified then if that Mayor wants to bring this issue up before the Saipan Delegation then that will be the proper time. At this time this document should actually be disregarded, but that does not mean that we should not do the work.

Speaker Froilan C. Tenorio: Okay, thank you Representative Yumul. Representative Benavente recognized.

Representative Benavente: For the second and last time, Mr. Speaker. I think now the confusion should be answered and that any reference to this matter really needs to be sent over to the Chairman and the members of the Saipan and Northern Islands Delegation and that is where we should have asked the question. Since I offered the discussion in the beginning on this matter, Mr. Speaker, I now move to end debate on this matter.

The motion to debate is seconded and carried by voice vote.

Speaker Froilan C. Tenorio: Item 13, Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

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

Speaker Froilan C. Tenorio: Reports of Special and Conference Committees.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

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

Speaker Froilan C. Tenorio: On Unfinished Business.

UNFINISHED BUSINESS

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

Speaker Froilan C. Tenorio: Item 16 Resolution Calendar.

RESOLUTION CALENDAR

Speaker Froilan C. Tenorio: Floor Leader Camacho recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. We do have one item on our Resolution Calendar and that is House Resolution 17-2 to amend the Rules of the House of Representatives and for other purposes and I would like to move for its adoption.

The motion was seconded.

REPRESENTATIVE GEORGE N. CAMACHO of Saipan, Precinct 4 (*for himself*)

H. Res. 17-2:

To amend the Rules of the House of Representatives; and for other purposes.

Whereas, the House adopted its interim rules at the Organizational Session on January 11, 2009;
and

Whereas, the Speaker appointed an Ad Hoc Committee to review the rules for sufficiency,
form, and content; and

Whereas, the Ad Hoc Committee received proposed amendments from members of the House;
and

Whereas, the committee wishes to incorporate those proposed amendments into the House
Rules, now, therefore

BE IT RESOLVED, by the House of Representatives, Seventeenth Northern Marianas
Commonwealth Legislature, that the House of Representatives hereby amends its rules
with said amendments and affixed hereto; and,

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 transmit
certified copies to the members of the House of Representatives, Seventeenth Northern
Marianas Commonwealth Legislature; and to the Hon. Paul A. Mangloña, President of
the Senate.

Speaker Froilan C. Tenorio: Discussion on the motion. Representative Sablan recognized.

Representative Sablan: Thank you, Mr. Speaker, I would like to offer a floor amendment, to House Resolution 17-2, under Rule 3, Section 1 (a) to add new subsections 5 and 6 to read:

Amendment offered by Representative Sablan on H. Res. 17-2 to add new subsection 5 and 6 under Rule III as follows:

Rule III. SESSIONS AND MEETINGS.

Section 1. Schedule of Sessions.

(a) The House shall meet in four Regular Sessions as follows:

(1) First Regular Session, for not more than sixty (60) days from the Second Monday of January of the first year through April 1 of the first year.

(2) Second Regular Session, for not more than thirty (30) days after July 31 of the first year;

(3) Third Regular Session, for not more than sixty (60) days after April 1 of the second year;

(4) Fourth Regular Session, for not more than thirty (30) days after July 31 of the Second year;

(5) Fifth Regular Session for not more than sixty days before April 1 of the third year.(6) Sixth Regular Session for not more than thirty days after July 31 of the third year.

The amendment, Mr. Speaker, is to take into account that the Seventeenth Legislature has an additional year. Thank you, Mr. Speaker.

The motion was seconded.

Speaker Froilan C. Tenorio: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker I did consult with the Legal Counsel on the matter and he preferred that we leave it out because it is in our Constitution. Our First and Second Year is already in our Constitution and this is a special case that we are in, he preferred that we leave that out of our Rules.

Speaker Froilan C. Tenorio: Representative Sablan recognized.

Representative Sablan: I understand that, Mr. Speaker, but I tend to disagree. The amendment that provided for the Seventeenth Legislature to serve three years is also done through a constitutional amendment.

Speaker Froilan C. Tenorio: Representative Joseph Deleon Guerrero recognized.

Representative Joseph Deleon Guerrero: Thank you also Mr. Speaker. This resolution will die after the Seventeenth Legislature. So by adopting this amendment it will not supersede or have an effect on any future Legislatures. Once the Eighteenth convenes these Rules will not be relevant to them, it will only be relevant to this Legislature, the Seventeenth Legislature and I do not see reason why we cannot include it. Thank you.

Speaker Froilan C. Tenorio: Representative Benavente recognized.

Representative Benavente: I would agree with that and as a matter of fact, I would also add that if we do not include it we would not be able to meet on the Third year of this Legislature because it does not provide for in the Rules. I think that while there could possibly be a question on the language of the Constitution, I think in this case our responsibility as members of the Seventeenth Legislature and representatives of the people, we can include this and there may be a question in the future when it does happen. But as in most case laws the Courts will decide that this is one of those matters which it was necessary to allow. I guess what I am trying to say as far as the risk is concern and gamble for a lack of a better word, is to provide for the Rules to allow us to meet during the

Third year of this Legislature rather than not include it and not be able to meet. I would think that all of us agree that we should continue to meet throughout the three years of this term. Thank you.

Speaker Froilan C. Tenorio: If I may interject here, we are just adopting the House Rules, pursuant to H. Res. 17-2, what is the urgency, can we amend the House Rules one month from now or two weeks from now or can we just for the time being if there is an constitutional issue ,let us put it aside, the amendment, until we adopt H. Res. 17-2 and if it is important that it should be amended again, then we will just call for that amendment later on. Representative Yumul recognized.

Representative Yumul: In this case, Mr. Speaker, I do see your point and I do agree in part because Article II, Section XIII states that, the Legislature shall be a continuous body for a two year period. That means and I am of the belief that for the Third year we are actually going to be an Eighteenth Legislature just for that one year period. Unfortunately, the amendment to the Constitution did not take into account Article II, Section XIII which it is very clear we are only authorized by the Constitution to be a continuous body for two years. So we might actually have to reorganize for the Third year to keep it straight. Thank you.

Representative Benavente: Point of clarification, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Benavente recognized.

Representative Benavente: I do not disagree with that provision of the Rule except that we recently had a referendum in which created the next Legislature this being the Seventeenth Legislature for a total period of three years and the Legal Counsel may step in anytime, but I believe that if there is a conflict in that language that the newer provision whether it is a statute or constitution that is followed so that is what the constitution says right now. But the new referendum should supersede that language and have a Seventeenth Legislature with three years. Thank you.

Speaker Froilan C. Tenorio: Representative Ogunoro recognized.

Representative Ogunoro: Thank you, Mr. Speaker I share the concerns that is being put forth by Representative Sablan, but at this time I would like to make a recommendation that we go ahead and adopt the resolution in front of us and subsequent amendments be entertained at a later time so that we can have a better understanding before we make an amendment on the House Rules that is being presented to us for adoption. So if I may, I would like to move to the previous question and go ahead and adopt the resolution and take on amendments at a later time because we do need to consult because even myself, I am not too clear on the amendment that is being offered at this time. But we definitely should take that thing up in the next session.

Speaker Froilan C. Tenorio: Representative Joseph Deleon Guerrero recognized.

Representative Joseph Deleon Guerrero: Point of order, Mr. Speaker. Representative Sablan had offered a motion and it was seconded so we should act on that motion before we entertain any other motions. We should first dispose of the motion that was offered and seconded.

Speaker Froilan C. Tenorio: Point of information, can I ask...

Representative Ogumoro: Mr. Speaker, Representative Joseph Deleon Guerrero has a point and thanks to Representative Joseph Deleon Guerrero we should go ahead and dispose of the motion that has been seconded offered by Representative Sablan and then we move.

Speaker Froilan C. Tenorio: We are now voting on the amendment offered by Representative Sablan. Representative Demapan recognized.

Representative Demapan: Thank you, Mr. Speaker. Can we have a copy of the proposed amendment?

Speaker Froilan C. Tenorio: This House is on recess.

The House recessed at 11:16 a.m.

RECESS

The House reconvened at 11:21 a.m.

Speaker Froilan C. Tenorio: This House is in session. We are now voting on the amendment as introduced by Representative Sablan to amend the H. Res. 17-2. So be it this House is on recess.

The House recessed at 11:23 a.m.

RECESS

The House reconvened at 11:24 a.m.

Speaker Froilan C. Tenorio: This House is back in session. Alright we are voting on the amendment as introduced by Representative Sablan amending H. Res. 17-2. Ready.

There being no further discussions the motion offered by Representative Sablan was carried by voice vote.

Speaker Froilan C. Tenorio: Alright we are now on the main motion on H. Res. 17-2 as amended. Ready.

There being no further discussions the motion to adopt H. Res. 17-2 as amended was carried by voice vote.

Speaker Froilan C. Tenorio: Floor Leader recognized.

Floor Leader Camacho: Mr. Speaker, are we now under Item 17, Bill Calendar.

BILL CALENDAR

Speaker Froilan C. Tenorio: Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker I would like to move to suspend the Rules to withdraw from Committee House Bill 17-15 so that we may place it on today's Bill Calendar for action.

Speaker Froilan C. Tenorio: Discussion on the motion.

The motion to withdraw House Bill 17-15 from the Committee was seconded and being no discussions was carried by voice vote.

Speaker Froilan C. Tenorio: Floor Leader recognized.

Floor Leader Camacho: I move to suspend Rule IX Section VIII to place House Bill 17-15 on today's Bill Calendar.

Speaker Froilan C. Tenorio: Discussion on the motion.

Representative Dela Cruz: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Dela Cruz recognized.

Representative Dela Cruz: Can we be apprised of what House Bill 17-15 is?

Speaker Froilan C. Tenorio: Clerk, will you read the bill.

House Clerk Evelyn Fleming: Mr. Speaker, it is a bill for an act to authorize the Governor reprogramming authority for Fiscal Year 2010, to provide relief to the Northern Marianas Housing Corporation for the agency to meet its guarantor obligation in home loans; and for other purposes.

Representative Dela Cruz: Thank you, Mr. Speaker.

Representative Benavente: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Benavente recognized.

Representative Benavente: This bill was introduced in our last session and it is not in our session package, can we be given the time to get our copies so that we do not have to make new copies of this bill?

Speaker Froilan C. Tenorio: Short recess.

The House recessed at 11:26 a.m.

RECESS

The House reconvened at 11:34 a.m.

Speaker Froilan C. Tenorio: This House is back in session and we are back to the discussion of the placement of House Bill 17-15. Representative Santos recognized.

Representative Santos: Thank you, Mr. Speaker, I would just like to inquire with respect to House Bill 17-15 it will grant the Governor reprogramming authority to reprogram funding from the

Municipalities of Rota and Tinian if this is the case then it may raise some issues with respect to amendment 25. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Yumul recognized.

Representative Yumul: Thank you. I believe we are only on the placement motion on the Bill Calendar I will gladly answer Representative Santos' concerns. Thank you.

There being no further discussions the motion to place House Bill 17-15 on Bill Calendar was carried by voice vote.

Speaker Froilan C. Tenorio: Representative Joseph Palacios recognized.

Representative Joseph M. Palacios: Mr. Speaker, if I may, could we go back to House Communications?

There were no objections on the floor.

Speaker Froilan C. Tenorio: Alright, please proceed.

HOUSE COMMUNICATIONS

Representative Joseph M. Palacios: Yesterday, I had written to the Public Auditor and passed it over to the House Clerk and along to all the members in their mail boxes and I do not know if they have it with them now but I am wondering if you are aware and have received your copies as well. If there are any discussions...

Floor Leader Camacho: Point of information.

Speaker Froilan C. Tenorio: Floor Leader recognized.

Floor Leader Camacho: I did receive your letter and I notice that it was not numbered, but can we have the Clerk number that as a House Communication.

There were no objections on the floor.

Speaker Froilan C. Tenorio: It is so order. Representative Joseph Palacios recognized.

Representative Joseph M. Palacios: If I may give a brief explanation as to why I have written the letter. It has gotten to my attention from numerous occasions from both the clients and the Man'amko that during this past year on September and December there has been speculations of misuse of Government vehicles as well as misuse of federal funds during the campaigning season between September and December of 2009. I have written a letter to the Office of the Public Auditor and I wanted to share this information to the members of this Seventeenth Legislature.

Speaker Froilan C. Tenorio: If there is no objections, can you read the letter Representative Joseph Palacios?

There were no objections of the floor.

Representative Joseph Palacios read his correspondence to the Office of the Public Auditor as submitted as follows:

Mr. Michael Pai
Public Auditor
Office of the Public Auditor
P.O. Box 501399
Capitol Hill, Saipan MP 96950

Re: Request for Audit of Man' Amko Program

Hafa Adai Mr. Pai:

It has come to my attention on numerous occasions from both present and former clients of the Man'Amko center, including staff and former employees of the Office of Aging, regarding allegations of misuse of government vehicles and federal funds. According to these former and present clients and staff, the Man'Amko center purchased food products which were then used, cooked, and served at the political campaign rallies. The products purchased include cooking ingredients, propane gas, fruits, vegetables, meats, and beverages.

Mr. Pai, our Man'Amko are our link to the past. The federal funds we receive for Man'Amko programs should be used solely for their benefit, not for any particular political party or agenda. Any abuse by government officials of federal funds for our Man'Amko must not be tolerated.

Therefore, I ask that you conduct a full audit of the program from September 2009 to December 15, 2009. Please conduct an audit on all receipts (especially meat products) purchased during this particular period.

Your prompt and immediate action is encouraged.

Sincerely,
/s/
JOSEPH M.PALACIOS
Representative

Cc: Members, 17th House of Representatives

Speaker Froilan C. Tenorio: Thank you Representative Joseph Palacios. Representative Tebuteb recognized.

Representative Tebuteb: Thank you, Mr. Speaker, I think it is only appropriate that the body could consider, to ask the Committee on JGO to also conduct its own findings if I may for our disposition on this issue. Thank you.

Speaker Froilan C. Tenorio: Representative Demapan recognized.

Representative Demapan: Thank you, Mr. Speaker, in line with both colleagues, I would like to inquire as to the status of the draft House Standing Committee scheduled meetings, did you concur on the draft and if so, then I would like to give a copy to each member so that I can start communicating with the rest of the members that are with JGO and other Committees. Thank you.

Speaker Froilan C. Tenorio: So the Committee on JGO will take up this matter.

Representative Demapan: Yes.

Speaker Froilan C. Tenorio: Alright, let us move on let us go back to the Bill Calendar.

BILL CALENDAR

Speaker Froilan C. Tenorio: Floor Leader recognized.

Floor Leader Camacho: I would like to make a couple of motions, first, I move to place on today's Bill Calendar House Bill 17-15 for our action today.

The motion was seconded.

Speaker Froilan C. Tenorio: Discussion on the motion.

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

Speaker Froilan C. Tenorio: Floor Leader recognized.

Floor Leader Camacho: Thank you, Mr. Speaker, I move for the passage of House Bill 17-15 on First and Final Reading.

The motion was seconded.

House Bill 17-15:

Introduced By REPRESENTATIVE RAY N. YUMUL of Saipan, Precinct 3 (*for himself*, REPRESENTATIVES TEBUTEB, CABRERA, JOSEPH PALACIOS, DELA CRUZ, SABLAN, BENAVENTE, JOSEPH DELEON GUERRERO, CONNER and RAYMOND PALACIOS)

To authorize the Governor reprogramming authority for Fiscal Year 2010, to provide relief to Northern Marianas Housing Corporation for the Agency to meet its guarantor obligation in home loans; and for other purposes.

Be it enacted by the Seventeenth Northern Marianas Commonwealth Legislature:

Section 1. Findings and Purpose. The Legislature finds that Governor's communication 17-4 dated December 31, 2009 reported that for FY 2009 ended September 30, 2009, the government incurred expenditures of \$16,522,243 over appropriations contained within PL 16-32. The Legislature additionally finds that although \$148,084,000 was anticipated to be collected, the actual collections available for appropriation was only \$147,737,446 thereby incurring \$346,554 less in total revenue available for appropriation. The total over expenditure of the government totaled \$16,868,797.

The Legislature finds that for FY 2010, the Government is only anticipating in collecting \$150,500,000 to be collected and it is financially imperative that the administration be authorized reprogramming authority over and beyond the provisions of 1 CMC 7402 in order to contain the continued fiscal crisis and deficit spending anticipated for FY 2010.

Lastly, the Legislature finds that at least \$5.1 MM in excess expenditures of the \$16MM excess expenditure was attributed to medical referral costs and unbudgeted local share of Medicaid.

The purpose of this Act is to assist the administration with prioritizing

public funds so as to ensure critical public services are maintained until a comprehensive budget for FY 2010 is enacted. Additionally, the Legislature finds that the Northern Marianas Housing Corporation (NMHC) needs relief in the form of funds infusion in order for the Corporation to meet its guarantor obligation in home loans provided to low income and moderate income borrowers that are now facing foreclosures and to continue to be a conduit for loan programs such as the US Department of Agriculture-Rural Development 502 program. The relief provided NMHC will allow the Corporation ample time to secure more long-term solutions such as a loan package with the Marianas Public Land Trust (MPLT) or other entities.

Section 2. Reprogramming.

(a) Prior to the enactment of a comprehensive appropriations act for Fiscal Year 2010, and notwithstanding the limitations of 1 CMC 7402 of the Commonwealth Code to the contrary, the Governor shall have unlimited authority to reprogram funds for Fiscal Year 2010 that are available under continuing resolution, Public Law 16-32, and other appropriations acts.

(b) Notwithstanding any law to the contrary, the Governor's authority to reprogram funds under this section shall include the authority to reprogram funds available to all public corporations, agencies, and entities of the Commonwealth Government; provided that such funds are not restricted from reprogramming by federal law, federal grant conditions, Commonwealth constitutional prohibitions, and deposit and other security restrictions related to bond covenants and the financing of public projects.

(c) The Governor's authority to reprogram funds under this section shall not include trust funds invested by the Marianas Public Land Trust and Northern Marianas Retirement Fund and funds appropriated under all local laws.

(d) The Governor's authority to reprogram funds under this section shall not include the funds of the legislative branch, judicial branch, mayors, or municipal councils.

(e) The Governor shall report any reprogramming under this section, as provided by 1 CMC Section 7402(e).

Section 3. NMHC Relief. The Governor is authorized to provide financial relief under this Act to Northern Marianas Housing Corporation in order for the Corporation to meet its guarantor obligation.

Section 4. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 6. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 7. Effective Date. This Act shall take effect upon its approval by the Governor or becoming law without such approval.

Speaker Froilan C. Tenorio: Discussion on the motion, Representative Yumul recognized.

Representative Yumul: Thank you. House Bill 17-15 is a reprogramming authority to the Governor as stated in the findings and purpose. This body has find that the Governor's communication 17-4, dated, December 31st as reported under for Fiscal Year 2009 that ended September 30, incurred an over expenditure of \$16,522,000. In addition, although, \$148,084,000 was anticipated, only \$147,737,446 was collected and because there was a reduction of revenues, over expenditure actually reached \$16,868,797. The Governor attributed most of the over expenditure to CHC

(Commonwealth Health Center) at about \$5 million. There are also some over expenditures with the CNMI Court and also with DPS (Department of Public Safety) just to name a few. The purpose of this reprogramming authority just allows the Governor the flexibility to pull in the funds. The Planning and Budgeting Act namely, 1 CMC § 7402, limits his authority to 25% and then the Agencies and Departments reprogramming authority by the respect Heads are limited to 10% so this basically gives the Governor the latitude to provide for essential services where it is needed and to pull funds that were provided for under Fiscal Year 2009, Public Law 16-32 as his guideline. Although, we did exempt the Governor's authority under this Act to basically prohibit him from removing or transferring funds that are restricted, such as those under federal law, federal grant conditions, our own constitutional prohibitions, other deposits and security restrictions related to bond covenants that he cannot touch, the Marianas Public Lands Trust and the Northern Marianas Retirement Fund accounts shall not be reprogrammed, and also to the concern of our good Representative from Rota, Representative Santos that the Governor's authority to reprogram funds under this Act shall not include funds under the Legislative Branch, Judicial Branch, all the Mayors from each Senatorial Districts and also the municipal councils of those respective districts. The Governor is required after reprogramming, to provide a report to this Legislative body namely, the Chairman of Ways and Means and also the corresponding Chair the Senate's Fiscal Affairs. There is an additional section here, Section 3 that states, that the Governor is authorized to provide any relief to NMHC (Northern Marianas Housing Corporation) in order for the Corporation to meet its guarantor obligation and what that means is that there are properties that have been foreclosed and the mortgage has been terminated. The USDA Rural Development Grant requires that as NMHC is the guarantor they are responsible to return the mortgage balance back to USDA. So this bill in essence, is not attempting to interfere with the loan itself, but only as maintenance because NMHC entered into an agreement with USDA that, should properties be foreclosed NMHC has to buy back those foreclosed properties at the last mortgage amounts and then the properties falls under the control of NMHC. I believe the Chairman, Representative Basa had met with NMHC yesterday and has asked them a complete detail as to how they plan to use these funds and if they are not prepared then this body is prepared to also remove this section until such time as they are prepared to give us a plan or a proposal. Thank you.

Speaker Froilan C. Tenorio: Thank you, Representative Yumul. Representative Santos, did Mr. Yumul address your concerns?

Representative Santos: Yes, Mr. Speaker and thank you for that clarification.

Speaker Froilan C. Tenorio: Alright. Representative Benavente recognized.

Representative Benavente: Thank you, Mr. Speaker, you know when I got my copy and looking and reading down the provisions of this proposed legislation and when I got to the part where it granted the Governor 100% reprogramming authority, I said that I cannot support this, but as I kept turning the page I saw that I had signed as one of the cosponsors on this legislation. Having served in the Administration in the capacity of Lieutenant Governor, I know the importance and the need for this proposed flexibility that we are offering the Governor so that he may be able to continue some essential services by reprogramming funds from other Agencies, especially during this financial crisis that we are in right now, and no one can deny that, given by the statements made by Representative Yumul of which reminded us of the \$16 million deficit for Fiscal Year 2009, I realize the importance of that flexibility, but as legislators and a body responsible in appropriating and providing for a budget of the Legislature. I feel that granting 100% reprogramming authority we are not exercising our mandate in the constitution to the people to provide a budget because basically

what we are doing is that we are saying, here is a blank check, Mr. Governor and it is up to you where you want to spend this money. So it is almost irresponsible I want to say in our part to allow that and earlier during our recess I had actually asked Representative Yumul, the Chairman and other members of the Legislature and to you, Mr. Speaker if the Governor has come to us and said, that the 25% granted to him under the Planning and Budgeting Act to reprogram it is not enough, then maybe what we should consider is giving him is 40% - 50% if that is what it takes, but I kind of warn the members here that allowing a 100% is again, almost acting irresponsible in our part. So maybe, I should ask that question first, Mr. Speaker, in our proposal to give the Governor 100%, which must have come from the Administration, was that 100% necessary or did the Governor ask for above the 25% that he already has and if he did ask for that, what is the amount? Can I go ahead and ask that question first before I continue, Mr. Speaker?

Speaker Froilan C. Tenorio: Representative Yumul, do you have an answer to that question?

Representative Yumul: I will yield to Representative Cabrera for now.

Speaker Froilan C. Tenorio: Representative Cabrera recognized.

Representative Cabrera: Thank you, Mr. Speaker, I had spoken to the Lieutenant Governor probably about a week ago regarding the austerity issue and told me that, please go ahead with the plan of introducing a bill for the austerity because as he stated in the paper there was a shortfall of \$11.7 million in the First Quarter. So by giving the Governor the reprogramming authority and after talking to the Lieutenant Governor Eloy Inos and said there is not much money to reprogram but just to give them the flexibility of maybe giving a bigger shovel and maybe looking around just so that they can be ready if they find some resources or revenue but said, more then likely maybe it will not happen because as of the First Quarter there is a shortfall of about \$11.7 million. So by giving this maybe it might not help them that much the 25% even giving them 40% or 50% maybe there is not even a million to be reprogram as a matter of fact there might be a shortfall. Maybe come January we can ask the Acting Secretary of Finance for their fund status collection or expenditure for January because I believe the monthly Government spending per Quarter should not be more than at least \$38 - \$40 million. So I hope that based on their spending trend and the Governor came out and they are going to cut down all these unnecessary area to save money that is the conversation that I had with the Lieutenant Governor. So by giving him this even though 30% - 40% - 50% I do not think there might be enough funding to be reprogram. So, yes, Representative Benavente signed off on the bill as well as myself, I guess in my part I want to give him the flexibility, probably there would not be much revenue that they can identify, but I want to assist them because of the housing issue. He can reprogram some funds and I do not want to see these new home owners of the foreclosure stuff from the First and Second Senatorial maybe there might be some clients from Rota and Tinian and probably a lot from Saipan that will be not homeless but houseless in the near future and which is I guess I took that into serious account to sign off on that bill. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Joseph Deleon Guerrero recognized.

Representative Joseph P. Deleon Guerrero: Mr. Speaker, I believe Representative Benavente still holds the floor if he wants to continue.

Speaker Froilan C. Tenorio: Representative Benavente.

Representative Benavente: Yes, I did ask the question and I would like to go ahead and close at this time, Mr. Speaker, with cautioning everyone's vote on this matter because I can see that the community is going to be very critical of us in taking this action. I still believe and again, I understand the need for the flexibility so that we do not jeopardize critical public service that the Governor needs to make this reprogramming for, but a 100% reprogramming is hard to swallow and it is going to be hard to swallow when this information gets out to our community for them as well. I wanted to say that even though I signed this legislation, I am not sure even up to now, if I am willing to support it if the provision of 100% is going to stay. I wish that one of us can make a phone call to the Governor and say can we make that 60% or 75% but not the 100%. I will close for now, thank you.

Speaker Froilan C. Tenorio: The Chair will like to say a few words about this matter.

There were no objections.

Speaker Froilan C. Tenorio: The Chair understands the concerns of Representative Benavente, however, please do not forget that we are entertaining this matter and while I am not placing any blame on the previous Legislature, the fact is, that they should have addressed this matter before October 1st and at that time I think if the Legislature had imposed 25% reprogramming authority, then the Governor would have the time to review all the budgets, but right now, we are almost half way through the Fiscal Year and as Representative Cabrera had said, more than 25% of the Fiscal Year is gone already, so Representative Benavente, at least for this Fiscal Year 2010, I would appreciate if you would support this and then when we start working on Fiscal Year 2011 then that is the time when we should review this matter. The Chair recognizes Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, I also signed off of the bill, and I am also beginning to doubt my signature. I would offer that we pass this on First Reading and maybe allow the Ways and Means or through your Office an additional communication from the NMHC and the Governor's Office for that matter so that we are all clear in our conscious in what we are voting for. I know that we had meetings with the Corporation and at the end of the meeting I was not quite sure myself what was the resolution and the solution presented and how are we going to go about it. I know that it is hard, but I also have some reservations with this 100% reprogramming authority. Thank you.

Speaker Froilan C. Tenorio: I would like to say along that line, Representative Tebuteb that the bill I guess would authorize the Governor to address the NMHC problem, however, I, for one, will not support any reprogramming for this purpose, simply because I do not feel that the taxpayers should be burdened with the problem that NMHC has. You know my position on this and I feel that MPLT should address this matter, but anyway, I guess we are giving the Governor the opportunity to address it. Representative Tebuteb recognized.

Representative Tebuteb: Thank you, Mr. Speaker, the motion is for passage on First Reading. Thank you.

The motion was seconded.

Speaker Froilan C. Tenorio: Representative Ogomoro recognized.

Vice Speaker Ogumoro: I was going to clarify what the motion was my understanding is that we are going to pass it on First and Final Reading, but Representative Tebuteb just clarified that. So it is for passage on First Reading is that my understanding, Representative Yumul?

Speaker Froilan C. Tenorio: Floor Leader, did you introduce this motion?

Floor Leader Camacho: I moved for the passage on First and Final Reading.

Speaker Froilan C. Tenorio: Please continue, Representative Ogumoro.

Vice Speaker Ogumoro: Yes, I do share the concerns that have been echoed by both Representatives Benavente and Tebuteb. I would like to ask for consideration and ask that for a vote to approve the passage of House Bill 17-15. My understanding and we have the Chairperson of Ways and Means to speak to that if he wishes to, that we are trying to move the 2010 Appropriations measure out from us to the Senate and acting on the budget for 2011, at which time we will make sure that, that is addressed, the reprogramming authority is fully addressed, but at this time, Mr. Speaker, my position is that we should go ahead and support the bill as is.

Speaker Froilan C. Tenorio: Representative Sablan recognized.

Representative Sablan: Thank you, Mr. Speaker, before we act on the previous motion, for clarification it goes back to Section 3 of the proposed legislation. The language is authorizing the Governor to provide financial relief under this act to NMHC. I am new at this, and I would like to get some clarification from members, in essence, what sources of funds are we leaving at the disposal of the Governor for these purposes? I am not sure exactly and before I vote I hope that somebody can provide some clarification.

Speaker Froilan C. Tenorio: Representative Yumul, do you have an answer?

Representative Yumul: If everyone would turn to page 2, on line 10 – 11, basically, the reprogramming of funds is only from within the Executive Branch, but is what was contained under continuing resolution and Public Law 16-32, that is the source of funds. The funds that were originally identified are the funds that he will be looking into, but also on line 13 down he may reprogram from Public Corporations and Agencies and other entities of the Commonwealth Government that is outside of the General Fund. Thank you.

Speaker Froilan C. Tenorio: Representative Tebuteb, recognized.

Representative Tebuteb: I think we have had quite enough information on this bill, Mr. Speaker, so I will ask again, the First Reading is only for delay so that we have communication to the Governor, is this is really supported by the Governor and I am going to ask the Floor Leader to please withdraw his motion and provide a subsidiary motion for passage on First Reading only.

Representative Joseph P. Deleon Guerrero: Point of clarification, Mr. Speaker. I believe a motion was offered, but then a subsidiary motion was offered for First Reading. The Floor Leader does not have to withdraw that motion. Right now the subsidiary motion is what is on the floor and so that is what we will be voting on. Mr. Speaker, before we move to act on that motion may I comment?

Speaker Froilan C. Tenorio: Please, proceed Representative Joseph Deleon Guerrero.

Representative Joseph P. Deleon Guerrero: Thank you. Mr. Speaker, I want to say that I am not against supporting this legislation. I have supported reprogramming authority request in the past, however, I have also seen that even though the intentions is as good as it may be but without guidance and controls it could end up exacerbating the problem. Now, the findings already tell you that the Government incurred expenditures well over \$16 million, granted \$5.1 million was a result of medical referral costs and unbudgeted local share of Medicaid, but that still leaves you roughly \$11 million. Mr. Speaker and members that was largely a result of hiring and I do not want to go as far as saying uncontrolled hiring, but a lot hiring that was done and the Retirement Fund can attest to that because there were new members that were logged in to this Define Contribution Plan (DCP) that they were not there earlier. So Mr. Speaker and members, I wanted to offer an oral floor amendment providing some restrictions for hiring freeze because as what Representative Benavente said, give a blank check and not place some controls then this problem may continue to grow the \$16 million could grow to an even bigger figure and I feel for the Chairman of Ways and Means who has to find not only the means to ways, but the means to balance the next budget. I think that putting in this safeguard will ensure there will be real meaningful attempts to balance the next budget. So Mr. Speaker and members, on page 2...

Representative Yumul: Point of order. Perhaps the subsidiary motion made by Representative Tebuteb can be withdrawn so that Representative Joseph Deleon Guerrero can make his amendment? Thank you.

Representative Joseph P. Deleon Guerrero: You are correct, because the last motion was to pass it on First Reading, if there is no objections from the mover, I would like to ask that it would be withdrawn so that I can offer an oral floor amendment and then that motion can be moved.

Speaker Froilan C. Tenorio: Representative Tebuteb recognized.

Representative Tebuteb: I would like to object, but because it is Representative Joseph Deleon Guerrero I will not object.

(Laughter)

Representative Joseph P. Deleon Guerrero: Thank you, Representative Tebuteb, so if I am in order, Mr. Speaker.

Speaker Froilan C. Tenorio: Please proceed.

Representative Joseph P. Deleon Guerrero: On page 2, after line 25, insert the language to that effect (f) a hiring freeze shall be implemented for non-critical positions for the duration of FY 2010. And if the Legal Counsel feels that this could be tightened up even more, I certainly accept any assistance. Let me read it again, after line 25 add a new provision (f) a hiring freeze shall be implemented for non-critical positions for the duration of FY 2010. Mr. Speaker and members what this will do for those critical positions that needs to be filled to ensure that essential public services can be rendered those will not be affected by this amendment. Thank you.

The motion was seconded.

Amendment offered by Representative Joseph Deleon Guerrero on HOUSE BILL 17-15 as follows on page 2, to add a new provision (f)

Section 2. Reprogramming.

(a) Prior to the enactment of a comprehensive appropriations act for Fiscal Year 2010, and notwithstanding the limitations of 1 CMC 7402 of the Commonwealth Code to the contrary, the Governor shall have unlimited authority to reprogram funds for Fiscal Year 2010 that are available under continuing resolution, Public Law 16-32, and other appropriations acts.

(b) Notwithstanding any law to the contrary, the Governor's authority to reprogram funds under this section shall include the authority to reprogram funds available to all public corporations, agencies, and entities of the Commonwealth Government; provided that such funds are not restricted from reprogramming by federal law, federal grant conditions, Commonwealth constitutional prohibitions, and deposit and other security restrictions related to bond covenants and the financing of public projects.

(c) The Governor's authority to reprogram funds under this section shall not include trust funds invested by the Marianas Public Land Trust and Northern Marianas Retirement Fund and funds appropriated under all local laws.

(d) The Governor's authority to reprogram funds under this section shall not include the funds of the legislative branch, judicial branch, mayors, or municipal councils.

(e) The Governor shall report any reprogramming under this section, as provided by 1 CMC Section 7402(e).

(f) A hiring freeze shall be implemented for non-critical positions for the duration of FY 2010.

Speaker Froilan C. Tenorio: Discussion on the motion. Representative Ogumoro.

Representative Ogumoro: Is that a motion seconded already and we are under discussion?

Speaker Froilan C. Tenorio: Yes.

Representative Ogumoro: Mr. Speaker I do share the concerns of Representative Joseph Deleon Guerrero, however, I guess that is why we are trying to expedite the passage of the appropriations measure that has been introduced this morning for Fiscal Year 2010, which would set the limitations, the parameters for expending authority, what areas, how much are we supposed to be expending. We are now operating in the Second Quarter of the Fiscal Year and granting the authority to the Governor to reprogram funds right now, would help him. I think I do see a very serious problem in the case they might not be considered non-emergency positions or the positions that are critical to operate for our public services to run the critical services to be provided. However, I do have a problem with that, we have our managers that needs to operate, let them operate the way they should operate to provide excellent services in our programs, but at the same time we should be able to see the outcome of their work when they come in for budget 2011, that is when we are going to tighten down and we begin to question a little bit more in detail as to what did they do with the money that was given to them. But for now, I would like to ask again, Mr. Speaker, that we allow the reprogramming authority as the said language in the proposed measure to go and let us give the Governor authority to operate our services and work with him in the upcoming budget to make sure that we do not see overruns like what we have seen for the Fiscal Year 2009. That is all, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker. Due to the lacking of necessary information in regards to the NMHC housing situation, I would like to make a motion to delete...I apologize, Mr. Speaker, I think there was a previous motion and I will yield for now.

Speaker Froilan C. Tenorio: Clerk, can you read the amendment?

House Clerk Evelyn C. Fleming: *Mr. Speaker on House Bill 17-15, page 2, lines 27, after subsection (e) of Section 2, to add a new subsection (f) to read:*

(f) A hiring freeze shall be implemented for non-critical positions for the duration of Fiscal Year 2010.

Speaker Froilan C. Tenorio: So we are voting on the amendment. Ready.

There being no further discussion on the amendment offered by Representative Joseph Deleon Guerrero was carried by voice vote with an exception of one nay.

Speaker Froilan C. Tenorio: Let us take a brief recess.

The House recessed at 12:14 p.m.

RECESS

The House reconvened at 12:15 p.m.

Speaker Froilan C. Tenorio: This House is back in session. The amendment offered by Representative Joseph Deleon Guerrero was approved. So now we are back to House Bill 17-15 as amended for approval for First and Final Reading. The Chair recognizes Representative Sablan.

Representative Sablan: Thank you, Mr. Speaker, I move delete Section 3 of the proposed bill regarding the NMHC relief provision.

The motion was seconded.

Speaker Froilan C. Tenorio: Discussion on the motion. The Chair recognizes Representative Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker, I believe that Section 3 is the gist of this legislation; this is how this legislation came about because of a meeting between NMHC and the Seventeenth Legislature. Although, I was not present during that meeting I had a prior commitment but if I am not out of line, Mr. Speaker, I would like to say a few things and that is, the risk of NMHC losing these loan funding from the Federal Government far outweighs whether any Governor can reappropriate or reobligate funds it far outweighs the issue of whether the Governor can reprogram funds. This is a very important program that NMHC runs and we risk losing this program whether from Rota, Tinian and Saipan people are availing of this financial loan programs. The legislation has a sunset provision up to 2010 and I believe that we should pass this legislation. There are a lot of recipients out there that are unsure if this program will cease to continue. We make the hard decision to say whether we should continue that program, for me, it is not hard it is very easy. You have heard from NMHC their plight, issues that they have raised, and we are here to do

something about it. We talk about having a dialog with the Administration, this legislation will get to the Administration and he will decide, whether he will approve it or not approve it. I ask all of you, my colleagues, to support this legislation there are people out there waiting for us. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Point of information, Representative Sablan that was your amendment, correct? Will you explain why you do not want the Governor to have this reprogramming authority on NMHC?

Representative Sablan: Thank you, Mr. Speaker. Earlier I had asked with regards to resources of revenue that would be available for the disposal of the Governor and my understanding is what is granted to him from the previous approved budget under the continuing resolution will be the funds that would be available for him. I do not think that removing Section 3 would necessarily mean that the Governor would not have the means to negotiate with MPLT in securing the funding I do not think the Governor would find the \$5. million within the continuing resolution to take care of the NMHC funding issue. So I think by deleting this for now we can place and address the reprogramming authority that is critical for the Governor at this time without having to deal with the NMHC issue. If we are already as of the First Quarter so many millions over budget, I do not think that the Governor is going to find anything with the current budget for the money that the Housing Corporation is looking for. So my motion is to delete this particular section referencing NMHC so that we can place the reprogramming bill on today's Calendar. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Cabrera.

Representative Cabrera: Mr. Speaker, it has been quite a discussion. NMHC was here about a week ago and the Chairwoman had stated during her presence that she will not be here if it is not an urgent matter, and I believe a number of us were in the Chamber. I think we have discussed this over and over and like Representative Dela Cruz had said, let us go and approve it and let the Governor decide whether to sign it into law or veto the bill. While we are discussing this there are families out there from Rota, Tinian and Saipan not having enough sleep day and night because they cannot find Peter to give to Paul and where is Paul to give to Peter and the thing about it, some of them are working for the private sector that are working at a reduced hour at a reduced hourly rate. I support the bill because there are people out there right now – Marcie Tomokane was here the other day telling us that this is their last hope and last resort. We do not want the people from Rota, Tinian and Saipan pinpointing the members that we have failed them. Why not just approve it send it up the Senate have them look into it because we can discuss this over and over, amend this amend that there has been so much discussion on this bill while the people out there listening and looking at us saying what are they going to do, are they going to help us especially when they know that the bill is up for discussion on the floor. I would like to move to end debate and if we vote by voice or by roll call, it is up to the Chair. Let us do what we have to do because we have Rota, Tinian and Saipan families that just do not know what to do any more and they are looking at us right now saying, you know I voted for her and I voted for him I voted for them so let us do the right thing. The Lieutenant Governor told me once there is not much to reprogram, so let us give them the flexibility because we do not want to be pinpointed back and be said that you guys are just playing games with us. They are not going to be homeless; they are going to be houseless. They have a house and if they get kicked out from their house they are going to be houseless not homeless. We do not want to see our constituents' houseless because we had failed them by not giving the Governor this bill to find some money to reprogram and I hope that he can find the money. I am just praying and hoping that he

will find the money to reprogram if not all, maybe just some to alleviate some of the problems that we and they are facing especially those people that own homes. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Torres.

Representative McGinnis-Torres: Thank you, Mr. Speaker. *Kulan didi'di confuse yo nu esti na issue nai yan kulan cautious yo lakkue sa malago yo para bai hu ke tungo hafa esti na deskuidu i NMHC na tuma-guini esti na dangkulo dibi guatto gi USDA? Kao desde ngai'an esti na tuma-guini sa I guess management problem esti yangin sigi hit ha di man man na'i loan yan ma'man grantor nai they are the guarantor but iyo i man dilenkiente ya pot para ma apasi sa I guess ti ma gof cho'gue maolek gi cho'cho niha gi Corporation. Pues yangin para ta na'i esti if we continue to give them the support to cover whatever obligations they committed to the Federal Government nai Farmer's Loan that is, naihan nu para u fakpo' esti na prublema those people that have paid their loans way back I do not know ko fair, is it fair that these people have paid their obligation and those people that are not seriously considering that they have obligations to pay their loans of their homes which side of the scale outweighs nai iyo para ta na'i siha na support yangin if what I am reading here in the bill that they are looking at MPLT I think we should tell them to go and negotiate a loan with MPLT and that is an investment by MPLT. I am not considering supporting the bill yet at this time ya para bai hu suppotta the call for First Reading yan ko sina ta check lakkue with the Governor ko hafa para taimanu ni iyoña plan esti na relief to NMHC thank you.*

Speaker Froilan C. Tenorio: Representative Basa.

Representative Basa: *Yahu para bai hu add iyo i finoña si Stanley ni ti nuebu esti na issue para hamyo colleague, esti i probleman i NMHC. Based gi iyoko conversation I have been meeting with them last week and this week hagas ha na prublema esti colleagues it goes back to five – seven years in fact, man'man hanao magi ya they plead with, I am not sure hafa na Legislature but this is not new megai na prublema it is beyond their control sa puru ha esti siha i mortgage i home owners are low income and they are very risky loaners and we have to be glad na guaha siha na programa, it is a Federal program as Representative Dela Cruz pointed out. Let us not look at just the tree, let us look at the forest lai. Sa yangin ti para ta ayuda esti na programa ti yahu hafa ma susedi personally taya salape'ta folks yangin para ta tap i General Funds for your information taya salape'ta so we are looking for the best alternatives ni para ta sina ta ayuda esti. The option not to help them is not an option, we must help them because like Representative Dela Cruz pointed out, if we do not help this we are going to lose so much money from the Federal and this is the wrong time to do that we need all the money to come our way. So I for one, support this bill esti gui i prublema nai i change lai, I know we are going to set precedence guini na Legislature yangin para ta approve esti reprogramming of 100% you know we talk about change we dread change we have never tried this I like to try something new innovative and I know as Representative Benavente had pointed out, na he cannot swallow iyo i 100% reprogramming, my question is why not. Let us try it and if does not work we change it. Thank you, Mr. Speaker.*

Representative Tebuteb: Point of clarification, Mr. Speaker

Speaker Froilan C. Tenorio: Representative Tebuteb.

Representative Tebuteb: We are still discussing the motion.

Speaker Froilan C. Tenorio: That is right. Representative Santos, recognized.

Representative Santos: Thank you, Mr. Speaker, I am finally recognized. Mr. Speaker, it is also my understanding and believe that the intent or the real substance of House Bill 17-15 is to provide financial relief to NMHC and by taking that particular section out from this bill is just defeating the purpose of this bill. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Actually that Section, Representative Santos is just to authorize the Governor we are not forcing him to do anything. I would like to say a few words about this.

There were no objections.

Speaker Froilan C. Tenorio: We cannot blame the Board completely on this matter. My understanding is that the borrowers went to the Federal Government and I cannot remember whether it is Farmer's Home or some Federal Agency, to borrow money to build their houses or to buy houses. Unfortunately, the only way that they could get the loans from the Federal Government was for our Government through the Board of the Northern Marianas Housing Corporation to guarantee their loans that is the only way. So really in a way the Board has nothing to do with it, well maybe they process the loans, but then they forward the applications to the Federal Government and it was the Federal Government who issued the loans and my understanding is, that the borrowers were paying the Federal Government directly. So in the meantime, many of them defaulted and now we are stuck and because we have to guarantee and the reason why that the Government has to guarantee is because, there is no FHA insurance available because of Article XII the Federal Government cannot come in and take over the houses from my understanding. So that is what I understand about the problem here maybe somebody else knows more about this matter than I do. Representative Raymond Palacios.

Representative Raymond Palacios: Thank you, Mr. Speaker, I do share the same sentiments as Representative Joseph Deleon Guerrero in regards to the 100% reprogramming authority. It is very alarming, but we also have to be very mindful that not granting the flexibility at this very critical time might also affect critical areas aside from NMHC that needs funding through the reprogramming authority route at this point in time. Also, by deleting Section 3, I do not know what you call it the subtitle of the bill, is to provide reprogramming authority to provide relief to NMHC it is the gist of the bill, like what Representative Dela Cruz said. I do not want to support deleting that section and please let us be mindful that this reprogramming authority is very critical especially for critical areas that need the funding through this reprogramming authority route. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker, I understand the concerns from Representative Sablan and I echo his rationales. Perhaps we need to look at this legislation in two parts, one, the critical necessity that befalls the Governor which is shortage of funds and the need for reprogramming so that critical services can be provided. The second part is the relief to NMHC. I must apologize that because of the expediency, this Section 3 is really just three lines, what the Tenth Legislature authorized NMHC to use financing resources of MPLT for low income home purchasers we did that through Public Law 10-29, Public 10-49 and subsequently Public Law 12-27. So it was very detailed we were looking at it in the context of a complete plan or package. I was hoping NMHC would provide more detailed information as to how they plan to spend these funds, how would they go about salvaging the program if this Act for example passes. I agree with

Representative Sablan that there is a great lack of information and education on our part from NMHC. They have not really given us the full detail as to the history of this and that to prevent this legislation which is again the necessity which is Fiscal Year 2010 reprogramming authority so we can provide for essential services. NMHC, I believe needs further work, we really need to sit down with a more comprehensive legislation because like what Representative McGinnis-Torres had said after this, what then, how much more are we going to be dealing with if we should see more influx of defaults in the near future. We are not prepared for that, are we going to come back then and try to re-skin the cat that we are about to skin today. So there is validity, I am concern with NMHC's program in its entirety the program must sustain itself but I am starting to even doubt myself in this simple section where it is three lines, but it is not enough we need something more detailed so that we can ensure that this program once we correct it we are not going to come back and correct it again that they will be on the right track and I agree with Representative Sablan. Thank you.

Speaker Froilan C. Tenorio: Representative Benavente.

Representative Benavente: Thank you, Mr. Speaker, if I may just ask a couple of questions to the author. Since I did not attend the meeting with NMHC the financial relief that NMHC needs at this point is that to cover what NMHC owes as a guarantor and those are the homes that have already been foreclosed and taken or is a financial relief and a bailout for home owners who are currently delinquent?

Speaker Froilan C. Tenorio: Representative Yumul.

Representative Yumul: Thank you, Representative Benavente, and you are right and if you read clearly page 2, lines 28 and 29 it says that this relief is in order for the Corporation to meet its guarantor obligation. That means that these homes had to have already been foreclosed. Now USDA wants their investment back. This will not assist those that are in jeopardy. That is why as I read this again and contemplating the statements from Representative Sablan and some of the others I understand in greater detail that this really needs to be looked at in a greater scope so that we can try to assist not just NMHC but also existing home owners that are facing delinquencies to come if there are.

Speaker Froilan C. Tenorio: Representative Benavente.

Representative Benavente: Mr. Speaker, if this is a relief for NMHC which is a CNMI Government entity to meet its obligation then I think we are certainly responsible in taking whatever action necessary to fulfill that obligation. But if this is a relief to those delinquent borrowers of those homes then there is a problem with that because as Representative Torres had pointed out and I actually have had several phone calls since this idea came out from home owners who had borrowed from the same source who had to make sacrifices to meet those obligations and were questioning the fairness. So I hope and that if it is just to provide the relief necessary for NMHC to fulfill its obligation then I do not have a problem with that, but if it is to supplement the delinquent borrowers or to assist those individuals as was pointed out by Representative Cabrera earlier then I have actually received several objections to that idea from individuals from our community and that is one of the problems that we have. I just wondered if that is clear enough for everyone then maybe we can proceed forward, but if anyone can confirm or deny this last question is it in fact limited to obligation to NMHC. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Cabrera.

Representative Cabrera: During the discussion with NMHC, Ms. Tomokane stated to us that there is a delinquent of \$14.8 million total and I took a note of that, but the immediate is \$5.8 million that they need to pay out or else they are going to come in and say this is ours and find another place to stay. The immediate need right now to spare the home owners is \$5.8 million. The total delinquent is \$14.8 million that was what Ms. Marcie Tomokane, Chairperson of NMHC stated. Mr. Speaker, if we have to make a stand alone bill to address this issue I do not know maybe we might just do it but the biggest concern right now is the reprogramming authority giving the Governor the full reprogramming authority. If the members concerns are the dollar amount, if I may and allow me we can call for a recess and I can track down the Governor and the Lieutenant Governor and have a session again either Saturday or Sunday just to clear this up, not this afternoon because I am going to track them down today. (Laughter) I need to find them and ask them how much money you are looking at by giving you this reprogramming authority. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio:

Speaker Froilan C. Tenorio: Thank you. Let us vote on the amendment. Clerk, will you call on the roll on the amendment to delete Section 3. The Chair recognizes Representative Basa.

Representative Basa: Before we vote could you clarify what we are going to vote on.

Speaker Froilan C. Tenorio: We are voting on the amendment to delete Section 3 offered by Representative Sablan. Representative Raymond Palacios.

Representative Raymond Palacios: If we are to entertain this motion to delete then we also need to delete the title there which is to provide relief to NMHC so there should be another amendment. Is it technical?

Speaker Froilan C. Tenorio: Point of information, is that true.

Representative Benavente: Point of clarification, Mr. Speaker.

Speaker Froilan C. Tenorio: Please proceed.

Representative Benavente: We can entertain the proposed amendment to delete and if it should be approved then I think we do need to go back and the language of the heading and everywhere else where NMHC appears, but at this point I guess it will be proper for us to entertain the motion because if it should be defeated then the rest of those provisions would remain.

Speaker Froilan C. Tenorio: Okay so let us now vote. Clerk please call the roll.

The Clerk called the roll on the amendment offered by Representative Sablan as follows:

Representative Ramon S. Basa	no
Representative Diego T. Benavente	yes
Representative Eliceo D. Cabrera	no
Representative George N. Camacho	no
Representative Trenton B. Conner	yes
Representative Francisco S. Dela Cruz	no
Representative Joseph P. Deleon Guerrero	no

Representative Fredrick P. Deleon Guerrero	no
Representative Rafael S. Demapan	yes
Representative Sylvestre Ilo Iguel	absent
Representative Felicidad Taman Ogumoro	no
Representative Joseph M. Palacios	yes
Representative Raymond D. Palacios	no
Representative Antonio P. Sablan	yes
Representative Teresita A. Santos	no
Representative Ramon A. Tebuteb	yes
Speaker Froilan C. Tenorio	yes
Representative Stanley McGinnis Torres	no
Representative Edmund Joseph S. Villagomez	no
Representative Ray N. Yumul	yes

Speaker Froilan C. Tenorio: The motion to delete Section 3 offered by Representative Sablan is rejected. Point of information, I voted yes, because I want MPLT to address this matter. We are back to the main motion as amended. Are there any further discussions? The Chair recognizes Representative Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, I go back again to make a subsidiary motion for First Reading only.

The motion was seconded.

Speaker Froilan C. Tenorio: You are just repeating your motion?

Representative Tebuteb: Yes.

Speaker Froilan C. Tenorio: Thank you. House Bill 17-15, HD1 is now up for voting. Mr. Benavente.

Representative Benavente: There is a subsidiary motion now that instead of the First and Final Reading the subsidiary motion now is for First Reading only and because we had a full discussion on this, Mr. Speaker, I move for the previous question which would be on the motion to pass on First Reading only.

The Speaker called by viva voce and there being a division on the floor therefore the Speaker called for the roll.

The Clerk called the roll on the motion to pass on First Reading House Bill 17-15, HD1:

Representative Ramon S. Basa	no
Representative Diego T. Benavente	yes
Representative Eliceo D. Cabrera	no
Representative George N. Camacho	no
Representative Trenton B. Conner	yes
Representative Francisco S. Dela Cruz	no
Representative Joseph P. Deleon Guerrero	no
Representative Fredrick P. Deleon Guerrero	no
Representative Rafael S. Demapan	yes
Representative Sylvestre Ilo Iguel	absent
Representative Felicidad Taman Ogumoro	no
Representative Joseph M. Palacios	yes

Representative Raymond D. Palacios	no
Representative Antonio P. Sablan	yes
Representative Teresita A. Santos	no
Representative Ramon A. Tebuteb	yes
Speaker Froilan C. Tenorio	no
Representative Stanley McGinnis Torres	no
Representative Edmund Joseph S. Villagomez	no
Representative Ray N. Yumul	no

Speaker Froilan C. Tenorio: So motion for First Reading is defeated. Representative Benavente.

Representative Benavente: Mr. Speaker, the legislation is the property of the House right now and it would require approval if there is no objections from the members, I beg that I be allowed to withdraw my name as author of the legislation and I ask without objections from the members that it be done so.

There were no objections.

Representative Tebuteb: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Tebuteb.

Representative Tebuteb: I am of the same sentiment with Representative Benavente and if I may before we proceed with the voting if there is no objections.

There were no objections.

Representative Tebuteb: The only thing that is really bothering me is the terminology of unlimited authority. Let me refer everyone to *Civil Action 06-0129* this is the great litigation between Stanley McGinnis-Torres and the Governor on reprogramming a reflection of Public Law 15-1 which authorizes the Governor unlimited authority to reprogram funds for Fiscal Year 2006 that are available under continuing resolution that such unlimited authority would be a violation of the separation of powers, if there truly exist no check basically it is a check and balance, on the Governor's unlimited authority then the Legislature has delegated to the Executive Branch a non-delegatable duty that would be a violation of the separation of powers. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Conner recognized.

Representative Conner: Thank you, Mr. Speaker, I would like to share the same sentiments and withdraw my name as the author. Thank you.

There were no objections.

Speaker Froilan C. Tenorio: Representative Sablan recognized.

Representative Sablan: Mr. Speaker, if I may request that my name be withdrawn from the said bill. Thank you.

There were no objections.

Vice Speaker Ogumoro: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: Representative Ogumoro recognized.

Vice Speaker Ogumoro: If I am in order I would like to move for the previous question.

The motion was seconded.

Speaker Froilan C. Tenorio: Clerk, please call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 17-15, HD1 on First and Final Reading.

Representative Ramon S. Basa	yes
Representative Diego T. Benavente	no
Representative Eliceo D. Cabrera	yes
Representative George N. Camacho	yes
Representative Trenton B. Conner	no

Representative Dela Cruz: Mr. Speaker, if you can allow me a few seconds before I cast my vote, if there is no objections.

There were no objections

Speaker Froilan C. Tenorio: Please proceed.

Representative Dela Cruz: In line with Representative Tebuteb's statements, Section 2, which is the reprogramming section subsection (e) basically states, the Governor shall report any reprogramming under this section as provided by 1 CMC 7402 (e). So Legislature basically requires that this Governor submit a report to this Legislature and as far as the reprogramming of funds. Thank you, Mr. Speaker.

Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	no
Representative Fredrick P. Deleon Guerrero	yes
Representative Rafael S. Demapan	yes
Representative Sylvestre Ilo Iguel	absent
Representative Felicidad Taman Ogumoro	yes
Representative Joseph M. Palacios	yes
Representative Raymond D. Palacios	yes
Representative Antonio P. Sablan	no
Representative Teresita A. Santos	yes
Representative Ramon A. Tebuteb	no
Speaker Froilan C. Tenorio	yes

Representative McGinnis-Torres: Mrs. Speaker, because I have a case against the Governor on this issue I abstain.

Representative Stanley T. McGinnis Torres	abstain
Representative Edmund Joseph S. Villagomez	yes
Representative Ray N. Yumul	yes

Speaker Froilan C. Tenorio: House Bill 17-15, HD1, is approved.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

Speaker Froilan C. Tenorio: I have a few announcements to make, pursuant to the newly adopted House Rules I appointing Representative Raymond Palacios as Chairman of the Committee on Education and I am appointing Representative Sylvestre Iguel as Chairman of the Committee on Health and Welfare. Also I would like to inform the members that on Tuesday, February 9, 2010 at eleven o'clock in the morning the Commissioner of Education is coming over to talk with us on a lot of issues including the possibility that we may have to ask the Commissioner to approve a day off Friday every pay period in line with the austerity measure that we are considering here. So I would appreciate it very much that the members would attend this meeting. Representative Torres, recognized.

Representative Stanley McGinnis-Torres: Just to clarify, are we having a session on Monday?

Speaker Froilan C. Tenorio: No. Representative Basa.

Representative Basa: Thank you, Mr. Speaker, I would like to inform that the NMHC folks are coming back this Thursday as per the President of the Senate's request. So for those of you who are interested you are welcome to attend that meeting at ten o'clock.

Speaker Froilan C. Tenorio: Representative Torres.

Representative Stanley McGinnis-Torres: Thank you, Mr. Speaker, I would like to inform the members of my Committee PUTC to possibly meet on Monday, February 8, 2010 at two o'clock in the afternoon to consider the bill that we have on hand, the recycling and buying of the copper, we need to act on that as soon as possible. Thank you.

Speaker Froilan C. Tenorio: Floor Leader recognized.

ADJOURNMENT

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

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

The House adjourned at 1:06 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:

H. L. B. No. 17-4:

To rename an existing road in Susupe, Saipan; and for other purposes.

Introduced by **REP. Raymond D. PALACIOS** of Saipan, Precinct 2 on February 1, 2010.

H. L. B. No. 17-5:

To appropriate \$38,000.00 from the local license fees collected for pachinko slot machines and poker machines in the Second Senatorial District; and for other purposes.

Introduced by **REP. Trenton B. CONNER** of Tinian and Aguiguan, Precinct 6 on February 1, 2010

THIRD APPEARANCE:

H.L.B. 17-1:

A Local Bill for an Act for the Third Senatorial District to suspend the implementation of the Saipan Zoning Law of 2008; and for other purposes.

By: **REP. Stanley T. McGinnis TORRES**, of Saipan, Precinct 3 (*for himself*)

H.L.B. 17-2:

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

By: **REP. Ramon A. TEBUTEB**, of Saipan, Precinct 3 (*for himself*) and **REP. DIEGO T. BENAVENTE** of Saipan, Precinct 1)

H.L.B. 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.

By: **REP. Teresita A. SANTOS** of Rota, Precinct 7.

SPECIAL REPORT

WARNING: TEEN DRIVERS

BY JOSEPH K. VETTER WITH FRAN LOSTYS

- Kylie Grayden, 17, of Shorewood, Minnesota, glanced at her iPod while driving with her cousin and a friend, both 17. When she veered off the road and flipped her car into a ditch, she and her friend were killed.
- Heading home from practice, Jonathan Chapman, a 16-year-old high school basketball player from La Plata, Maryland, was reportedly speeding when his car rammed an SUV. He and three friends, ages 14 to 16, were killed.
- Five days after graduating from high school, Bailey Goodman, 17, of Fairport, New York, and four classmates were on their way to her family's cottage. Moments after text messages were exchanged on Bailey's cell phone, she slammed into an oncoming truck. All five teens were killed.

More than 5,000 teenagers die in car accidents every year. "If we saw these numbers coming back from a war zone, it would be on the front page every day," says Vincent Leibell, a state senator from New York, where some 200 teens died in crashes in 2006.

The numbers aren't budging. Fatalities did drop from the mid-'70s through the early '90s, mainly because of tougher seat belt and drunk driving laws. But since then, the statistics have remained stubbornly high, despite improved safety features in cars.

Some of this is due to teens themselves. "Anytime you have immaturity combined with inexperience, you have the potential for disaster," says Nicole Nason, head of the National Highway Traffic Safety Administration. "And that's what you get with a 16-year-old behind the wheel."

But that's not the whole story. Speed, distraction, and driver inexperience

cause most crashes—and those things can be controlled. "These deaths should not be considered an inevitable part of the teen experience," says Justin McNaull, director of state relations for AAA. "We can change this." Here are three steps that will prevent crashes and save countless lives—of teens and others on the road.

1. TEACH YOUR KIDS

Part of the reason for teens' poor judgment is hardwired: The brain's prefrontal cortex—which handles tasks like controlling impulses—isn't fully formed. "Our brains get tons of input from multiple places," says Flora Winston, MD, scientific director of the Center for Injury Research and Prevention at the Children's Hospital of Philadelphia. "Adults don't act on all those impulses; we sort them. But teens have a hard time doing this."

And they have a hard time under-

ANATOMY OF A TEEN CAR ACCIDENT

8:00 p.m.



Jack, 17, drives to Sophia's house on a Friday night. He's late, so he speeds. **Speeding is a factor in 35% of crash deaths involving young drivers.**

8:10 p.m.



Jack calls Sophia to tell her he's on his way. **Cell phone use increases the crash risk by 300%.**

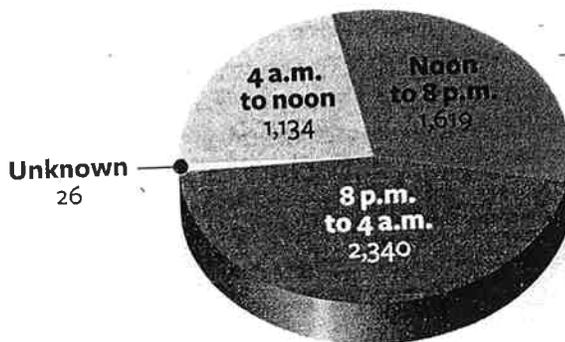
standing what's risky in a car. In a recent study, researchers surveyed 5,600 teens and found huge gaps in their knowledge.

One problem is that teens fail to see certain behaviors as dangerous. Only 28 percent said using a cell phone is a risk, and 10 percent said the same about having other teens in the car. (They're both big distractions, and boys in the car are more distracting than girls.) Only half cited speeding or not wearing a seat belt. Even if teens got the right idea about a behavior—for instance, 87 percent said drinking and driving is dangerous—they didn't view it as their problem: Only 16 percent said they ever see it happen. (Some might be lying; 25 percent of young drivers killed in crashes had been drinking.)

The message for parents: Spell out the dangers for your kids. It's up to you because only 20 percent of schools offer driver ed today, down

DANGER AFTER DARK

Nearly half of teen crash deaths happen at night.



SOURCE: NHTSA (2006)

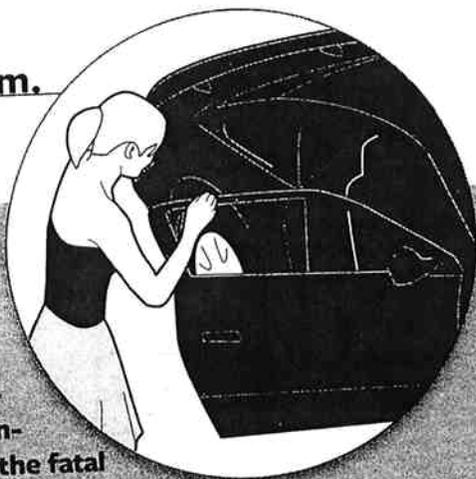
from 90 percent in the 1980s. Nason says, "You have a responsibility to make sure your child isn't going to drive into someone else head-on because he's busy chatting on his cell phone and nobody's told him, 'Hang up the phone and drive the car.'"

2. FIGHT FOR STRICTER STATE LAWS

"You don't suddenly become a good driver when you turn 16," Nason says.

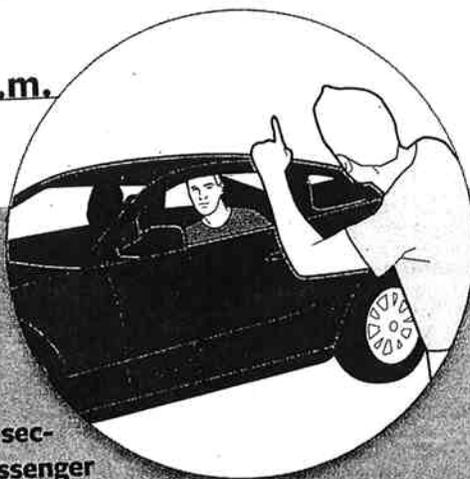
8:15 p.m.

He picks up Sophia. Adding one passenger increases the fatal crash risk by 48%.



8:25 p.m.

Jack and Sophia stop to pick up Matt. A second passenger increases the fatality risk by 158%.



WHICH STATES HAVE THE TOUGHEST LAWS?

In a first-ever analysis, we examined each state's graduated driver licensing, seat belt, and DUI laws and awarded points based on strictness. (Alaska gets more points in the seat belt category because anyone 16 and older who isn't buckled up can be fined; New Hampshire gets fewer because it has no seat belt laws at all.) For complete methodology, go to rd.com.

BEST

Alaska
California
Delaware
Washington
Illinois
Maine
Indiana
Oregon
Hawaii
Georgia
Kentucky
North Carolina
District of Columbia

GOOD

New Jersey
Connecticut
New York
Nebraska
Maryland
Oklahoma
Colorado
Tennessee
Alabama
Missouri
Louisiana
Utah

FAIR

Massachusetts
Vermont
Michigan
Ohio
Iowa
Virginia
Wisconsin
Pennsylvania
New Mexico
Texas
West Virginia
Arizona
Florida
Nevada

WORST

New Hampshire
Kansas
Wyoming
South Carolina
Mississippi
North Dakota
Minnesota
Idaho
Rhode Island
South Dakota
Montana
Arkansas

DATA FROM INSURANCE
INSTITUTE FOR
HIGHWAY SAFETY

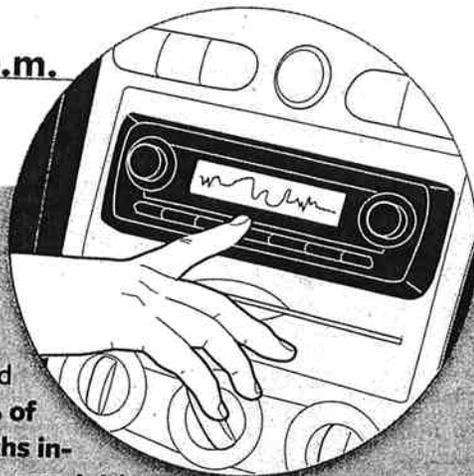
"We need to ease teens into a lifelong habit of good driving."

That's the goal of graduated driver licensing laws, which impose restrictions before teens earn a full license.

An ideal law would set the minimum age for a permit at 16, limit passengers to one, ban cell phones, prohibit driving between 10 p.m. and 5 a.m., and not allow a full license until age 18.

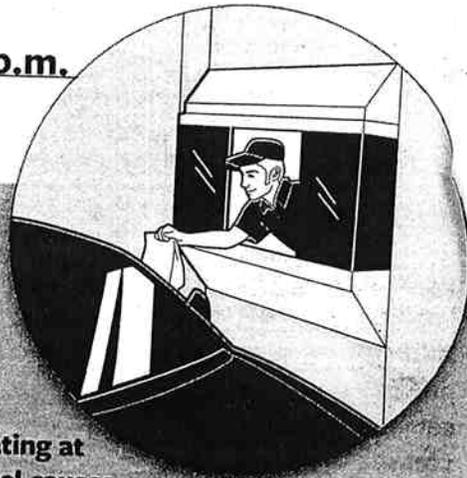
8:30 p.m.

Jack fiddles with the radio to find a good song. **87% of teen deaths involve distracted drivers; radios rank as a top teen distraction.**



8:40 p.m.

They hit the drive-through on their way to a party. **Eating at the wheel causes 2% of teen crashes.**



These laws make sense. A recent study by Johns Hopkins University for the AAA Foundation for Traffic Safety found that a tough phase-in law could decrease deaths among 16-year-old drivers by 38 percent. "It's clear that giving young drivers more time behind the wheel with supervision makes a big difference," says Susan Baker, the study's coauthor.

That was the case in Georgia, where a graduated licensing law slashed fatal crashes involving 16-year-old drivers by 37 percent over five years and cut speeding-related fatal crashes among the same age group by nearly half. The law also imposes stiff penalties—including having a license taken away for up to a year—for speeding, reckless driving, and other serious errors.

Currently, 47 states have phase-in laws, but few are as effective as they could be. Only eight set the minimum age for a permit at 16. Fewer than ten prohibit driving after 10 p.m. And only 12 have strict limits on passengers.

THE TEEN DEATH TOLL

States with the toughest driving laws tend to have lower fatality rates, but other factors count too. Rural roads (with higher speed limits, less traffic, and fewer nearby medical services) are a big crash risk. The following is a list of the top 10 states in teen-driving fatalities per 100,000 kids. Find the rest at rd.com.

Wyoming	42.6	Missouri	37.4
Mississippi	42.1	S. Dakota	36.9
Montana	40.2	Tennessee	36.4
Alabama	39.8	Kentucky	35
Arkansas	37.5	Oklahoma	33.8

SOURCE: IHS

Kansas State Senator Phil Journey pushed for a bill to impose nighttime, passenger, and cell phone restrictions on teen drivers, but it failed in his state's House of Representatives. He says the costs of refusing to act are obvious: "Statistically, we know that somebody's going to leave home and is not going to survive because this bill didn't become law." (To find out

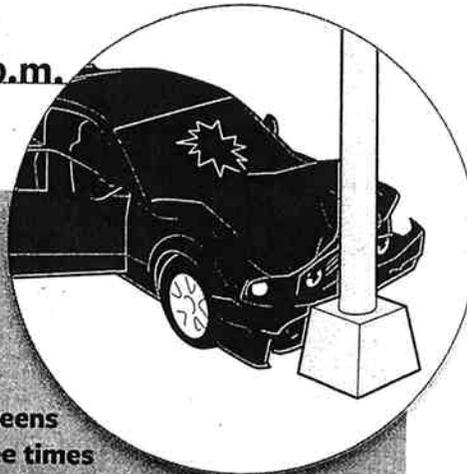
8:50 p.m.

Jack is tired. Nearly half of teens are sleep-deprived, and young drivers cause 55% of fatigue-related crashes.



9:00 p.m.

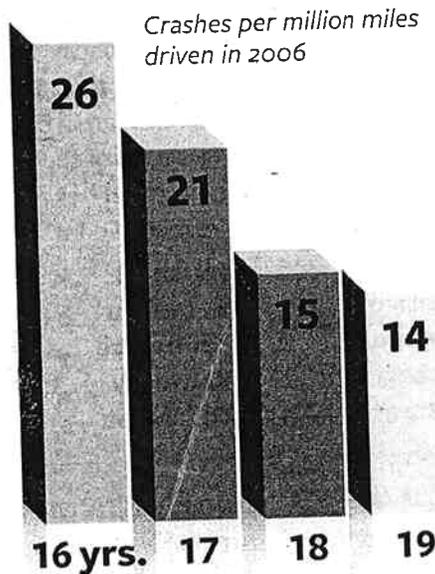
It's now dark. For the next nine hours, teens are three times more likely to die in a crash than during the day.



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16: A RISKY AGE

The crash rate for 16-year-olds is nearly double the rate for 19-year-olds.



SOURCE: IIHS

how to lobby for tough laws in your state, see "Do More" on page 125.)

The main obstacle is the belief that stricter measures impinge on parents' right to decide when and with whom their kids drive. The reasons for the complaints vary: Some parents want their teens to run errands unaccompanied; others want their kids to drive a farm truck as soon as possible. (That's what sank the Kansas bill.)

Vermont State Representative Kathy Lavoie, the mother of two teens, supports some limitations but balks at a nighttime restriction that would prevent kids from driving to hunting grounds in the early morning, which teens in her state enjoy. "When it comes to an infringement on parental rights, I get nervous," she says.

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Nason of the traffic safety administration has heard these objections before. "Fear of the 'nanny state' always rears its head," she says. "But a car crash doesn't just affect the person in the car. It affects the people in the car they hit." Add in the costs to law enforcement and health care, she notes, and it's hard to argue against putting society's interests ahead of parents' rights. In a recent study, AAA found that teen crashes cost the rest of us more than \$34 billion annually.

Bradford Hill, the Massachusetts state representative who sponsored legislation that cut speeding by 33 percent and reduced serious-injury crashes by more than 40 percent, said most parents in his state support the law. "They say, 'I'm so glad these changes were made,'" he says.

Some teens feel the same way. In New York, 18-year-old David Mangano of White Plains sees the value in his state's law that limits teen passengers to two. "If you have a lot of people in the car, it's really hectic," he says, "so it's nice to have that restriction."

3. GET TOUGH AT HOME

Even if your state has weak laws (see page 118), you can still set the rules for your own teen. "You're the parent," says AAA's McNaul. "You control when your child gets licensed, you control the keys, and you control the car. You can put significant conditions in place."

Start by making sure your teen always wears a seat belt. "It's the single most effective safety device in your car," says Nason. But more than half

READER'S DIGEST rd.com 08/08

of teen drivers killed on the road in 2006 weren't buckled up.

You can also lay down your own phase-in law. Set your teen's night driving limit to no later than 10 p.m., don't allow more than one passenger, and ban cell phones—even with a headset. "Using a phone with a headset is of no benefit to an inexperienced driver," says University of Utah researcher David Strayer.

If your teen balks? Too bad, says Arthur Kellermann, MD, an emergency room physician who's also an injury-prevention researcher at Emory University and the father of a 20-year-old. "This is tough love," he says.

Nicole Nason agrees: "Every time you say, 'You don't start this car without a seat belt on, you can't drive late at night, this is not the party mobile,' you are saving your children's lives."

TEACH YOUR TEEN TO DRIVE (WITHOUT DRIVING YOU BOTH NUTS)

Randy Bleicher's daughter, Ashley, is 16½ and got her learner's permit a year ago, but she won't be getting her license anytime soon. Bleicher says she's not ready, and he should know: He's the chief driving instructor for the driver-training program Driving Skills for Life. "Until she's totally confident behind the wheel and I'm confident that she's aware of what's around her, she's not getting her license," he says. "Driving is a huge responsibility for her and for others on the road." We asked Bleicher and other driving instructors what parents can do to make sure their kids are ready.

Drive—a lot. Set a goal of practicing together for at least 50 hours before the road test. More is better—William Van Tassel of AAA recommends 100 hours.

Check your baggage. "You have a 16-year history, and you're not leaving that outside the car," Van Tassel says. Ask yourselves before you start, Do we have any extreme conflicts right now? If you do, reschedule.

Ease into it. Start out in an empty parking lot, and move up to driving at low speed through a low-traffic neighborhood. Master that before driving on a busy street or highway.

Practice controlling the vehicle. You need a way to intervene if your driver is headed for a guardrail. In a parking lot at low speed, practice reaching over with your left hand to take the wheel safely. R. B. Stiewing of the Skip Barber Racing School recommends telling your teen, "Don't react to what I'm doing. Keep your hands on the wheel. When

I'm done, you're back to having control by yourself."

Tackle tough tasks. Once you've covered the basics, expose your teen to high-pressure situations, including night driving, bad weather, crowded streets, and open highways. For parallel parking, set up plastic garbage cans in a parking lot.

Stay cool. Nerve-racking moments are inevitable. Be prepared, and be patient. "Don't yell, either of you," says Van Tassel. Take regular breaks to decompress.

Debrief. Ask your teen afterward, "What are three things you did well and three things we need to work on?"

Improve your own habits. "Parents are a bad example," Bleicher says. Do you talk on your cell while driving? Now's your chance to change, because your new driver is watching you.