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The House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature convened its Seventh Day, First Regular Session on Friday, 19th of March 2010, at 2:09 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

The Clerk called the roll and eighteen members were present; Representative Fredrick P. Deleon Guerrero was excused. Representative Ramon S. Basa came in late.

Speaker Froilan C. Tenorio: We have a quorum.

PUBLIC COMMENTS

Speaker Froilan C. Tenorio: Item II of this session is Public Comments, but if anybody is interested in making any comments today during this phase of the session, we are limiting the public comments to issues relating to the House Bill 17-3, which is to repeal and amend certain sections of the Commonwealth Code dealing with Immigration functions and for other purposes. The audience is welcomed to make any comments at this time. Representative Benavente, recognized.

Representative Benavente: I yield.

Speaker Froilan C. Tenorio: Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker, with regards to your comments earlier should it not be that public comments should just be within the scope of our Order of Business – so anything that appears in the Order of Business the public may make comments – you have pretty much limited comments to strictly on one item, but as you know we have twenty sections here.

Speaker Froilan C. Tenorio: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker, if I may Representative Yumul, the thing is in the anticipation of comments on other items it is the intent that we act on the Standing Committee Report reporting on House Bill 17-25 – we move out of order to get to here because the Senate is awaiting this legislation and the idea is that we go ahead and allow the public to comment on this and when we reconvene we will move back to public comments and give them the opportunity to comment on the rest of the items on the Agenda.

Representative Yumul: Thank you, Floor Leader, now that makes more sense – Mr. Speaker, you did not mention that on the onset so that is more clarified, thank you.

Speaker Froilan C. Tenorio: Are there anyone in the audience that would like to say anything about the Immigration bill?

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

Speaker Froilan C. Tenorio: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker, with that I would like that we move to item XIII, Reports of Standing Committees of the Agenda so that we may act on the Standing Committee Report and the bill on Immigration – like I had said earlier the Senate is awaiting our action.

Several members voiced second.

Speaker Froilan C. Tenorio: Discussion on the motion. Ready.

There being no discussion on the motion to move to Item XIII, Reports of Standing Committees and it was carried by voice vote.

REPORTS OF STANDING COMMITTEES

Speaker Froilan C. Tenorio: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker, now on item XII, Reports of Standing Committees, we have one Standing Committee Report, reporting from the Committee on Judiciary and Governmental Operations – S. C. R. 17-3, reporting on H. B. 17-25 and I move for its adoption.

The motion was seconded.

S. C. R. No. 17-3: Reporting on House Bill No. 17-25, entitled, “A bill for an Act to repeal and amend certain sections of the Commonwealth Code dealing with immigration functions; and for other purposes.” *Your Committee on Judiciary & Governmental Operations recommends passage of bill in the form of H.B. 17-25, HS1.*

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

Representative Tebuteb: Thank you, Mr. Speaker, this is on S. C. R. 17-3 – I will yield to Representative Benavente.

Speaker Froilan C. Tenorio: Representative Benavente, recognized.

Representative Benavente: Thank you, Mr. Speaker, my comments is not specifically on the committee report it is a very comprehensive and lengthy committee report and understandably so, because of the many things that are being said and not just within community but within the legal community. There seems to be interpretations on both sides of the argument at this point to the point where there is – you know SHRM had a meeting yesterday with both sides and I am not sure that there was any resolution after that meeting. We continue to see legal opinions responding to other legal opinion that was issued by both sides of the argument on this matter. And my concern is that while I understand that the Committee has met on several occasions I know that there has not been a formal public hearing and if the attempt is to expedite this important legislation, then at the very least I would think that we can call in both sides of the arguments here if you will. If we can invite in at least someone from the Federal side or even from the other side of the argument so that the Committee and the members of the Committee and we here, as the members of the House can more understand the legal question. I, at this time, Mr. Speaker, suggesting that there should be and I hope that we can make that decision today that we defer action and have a public hearing on this what I would consider a very questionable piece of legislation at this time. As a matter of fact, I would like to pose this question I realize that this is something that we can ask also in the Bill Calendar when we do take up the legislation, but unless I am out of order, I would like to ask the question to our Legal Counsel given that there are arguments as to whether the bill is legal or whether the bill conflicts with Federal law then I would like to ask this question to the Legal Counsel, Mr. Speaker, is the legislation attached with the Committee Report a legal proposal and does it conflict or violate Federal law?

Speaker Froilan C. Tenorio: Mr. Benavente, I will grant you a recess so that we can discuss with the Legal Counsel, but let me just say what I would like to say here is that it is not a function to determine whether a bill that we are working on is constitutional or not and number two, it does not matter whether if it conflicts with the Federal statutes – that is for the Federal Government to tell us that, it is in conflict with their statutes, but that is not for us to decide.

Representative Benavente: Point of information before we call the recess just on your statement. It was not too long ago that we all swore to uphold the laws, Constitution and Federal Laws and Local Laws – Federal Laws that are applicable here – we swore to uphold that, and I do believe still that if our Legal Counsel, in their opinion proposes that the legislation is unconstitutional or that it violates federal law, then I do not think that we who swore to uphold those constitution and provisions of federal law should be voting on the legislation. So I beg to differ, Mr. Speaker, but again, maybe we should go right to the question to the Counsel.

Speaker Froilan C. Tenorio: Well, I will do that, Mr. Benavente, but again, it is the function of the Judicial Branch – it is the Court that will decide whether what we are doing here is constitutional or not – not us. Anyway, recess for ten minutes.

The House recessed at 2:20 p.m.

RECESS

The House reconvened at 2:23 p.m.

Speaker Froilan C. Tenorio: We are back in session. Vice Speaker, did you have a question?

Vice Speaker Ogumoro: No, Mr. Speaker.

Speaker Froilan C. Tenorio: Okay. Floor Leader, recognized.

Floor Leader Camacho: Just to restate the motion, Mr. Speaker. I would like to move for the adoption of S. C. R. 17-3, reporting on H. B. 17-25, HS1.

The motion was seconded.

S. C. R. No. 17-3: Reporting on House Bill No. 17-25, entitled, “A bill for an Act to repeal and amend certain sections of the Commonwealth Code dealing with immigration functions; and for other purposes.” *Your Committee on Judiciary & Governmental Operations recommends passage of bill in the form of H.B. 17-25, HS1.*

Speaker Froilan C. Tenorio: Discussion on the motion. Ready. Mr. Tebuteb, recognized.

Representative Tebuteb: Thank you, Mr. Speaker, this is on the Committee Report, I guess the simple question would be, what is the urgency in this bill? I am trying to find within the Committee Report itself, I know for the past few years that the Deputy Secretary of the CNMI Labor consistently provides information and feedback on the progress of the amended bill that we are looking at, Public Law 15-108. And I am trying to figure out within this Committee Report any reflection to those information provided by through the email of the Legislature in that particular sense, because I am looking at page 5, of the Committee Report, paragraph 3, with respect to this objectives – “In particular any regulation that he Department wishes to implement must be by law it will be submitted to the Legislature for consideration before coming into effect” - so my question would be to the Committee members or to maybe the Chair, are we within the context of considering this legislation relative to that sentence? Please.

Speaker Froilan C. Tenorio: I am sorry, Mr. Tebuteb, what paragraph – paragraph 3?

Representative Tebuteb: On page 5, paragraph 3, and beginning with the second sentence.

Speaker Froilan C. Tenorio: Mr. Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker, I would like to yield to the Chairman of the Committee on Judiciary and Government Operations.

Representative Demapan: Yes, Mr. Speaker, we are in line, but I would like to yield and ask the Legal Counsel for more clarity on this section.

LCJ. Cool: The provision that you are referring to relates to regulations that are adopted by the Department of Labor – that provision is now contained in Public Law 15-108 and it is not amended or modified by this bill and that it will continue in effect. So any further amendments in regulations adopted by the Department of Labor will be referred to the Legislature for review.

Speaker Froilan C. Tenorio: Mr. Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker, if I can address this to the Legal Counsel.

Speaker Froilan C. Tenorio: Mr. Sablan, may I first ask Mr. Tebuteb whether he is satisfied with the response?

Representative Tebuteb: Somewhat. I am just trying to point out that within the context of Committee Report and what some of us have received through the Department of Labor, in particular, the consistent flow of information provided by the good Deputy Secretary of Labor, and so I am trying to align that if there is anything in the Committee Report that reflect that along with even the findings that seem to carbon copy the decision provided by the US Court, in particular, on page 3, paragraph 2, so I am trying to align the flow of information, the context within the Committee Report and what is the urgency. The question of, what is the urgency?

Speaker Froilan C. Tenorio: Mr. Demapan, can you answer that question, why the urgency?

Representative Demapan: Yes, thank you, Mr. Speaker. We need to take action on this bill, because we need to have Labor come up with a new set of Rules and Regulations so that Labor will function properly.

Speaker Froilan C. Tenorio: Mr. Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker, going back to Representative Tebuteb's question in regards to that particular line in the Committee Report. I think that is a misstatement, I do not think Labor is required by law to submit any proposed change in regulations to the Legislature. Regulations are submitted for publication to the AG's Office (Office of the Attorney General) without the approval of the Legislature. So I think that is a wrong statement and maybe the Legal Counsel can verify that.

LCJ. Cool: Public Law 15-108 provides that in addition to complying with the administrative procedures that before their regulations and procedures would become effective they must be submitted to the Legislature for a period of time before it become effective. So it provides the Legislature to have the opportunity to disapprove...

Representative Sablan: What is the time period?

LCJ. Cool: I do not know right now what it is – I think it might be 60 days I believe, but I am not sure.

Representative Sablan: In the event of emergency regulation – we are talking about regulations not...

LCM. Cool: The emergency regulations would apply immediately, but they would still have to undergo the review process to become final regulations.

Representative Sablan: The approval process of the proposed promulgation of regulations requires the approval of the Legislature?

LCJ. Cool: Yes, under Public Law 15-108, the Labor regulations.

Representative Sablan: Through what process?

LCJ. Cool: They are submitted to the Legislature. And the Legislature will have an opportunity to review them in to either take action on them or allow them to become final after the passage of the appropriate time.

Representative Sablan: Thank you.

Speaker Froilan C. Tenorio: Mr. Tebuteb, recognized.

Representative Tebuteb: Thank you, Mr. Speaker, for the record that is what I am trying to put my train of thoughts with, and then and connect that somehow because the Committee Report per the bill itself is basically so that we kind of memorialize the Federal law on scratching out the words anything that affects immigration, I guess is the best word I can use in the bill also - anything that affects immigration so most of these changes or amendment that we are trying to do is from changing the original bill to a substitute bill so that it conforms to I guess ,the Federal Law – so that this bill is suggesting that we scratch out the words Immigration as an issue so that we are in compliance somehow, somewhere, that would be for the Legal Counsel to I guess, tackle. So it goes back to my question then on the – boy this is a very nice word on page 3, of the Committee Report – “*ipso jure*”. So I am trying to make sense of the report does it give us or has there been some attempts by the Committee to receive those comments not only from certain sectors of our community and incorporate that into the report so that it becomes a public record. Thank you.

Speaker Froilan C. Tenorio: Mr. Demapan, recognized.

Representative Demapan: Yes, if I may, a couple of weeks ago the Senate conducted a public hearing on H. B. 17-25. I have also issued out comments to the general public informing them that we are going to be conducting a Committee meeting reference to H. B. 17-25. Thank you.

Speaker Froilan C. Tenorio: Mr. Tebuteb, recognized.

Representative Tebuteb: Thank you, Chairman, I certainly appreciate that, and maybe in addition to that, if we turn to page 4, on the recommended sections to repair this section - if I look at section 3 of the Omnibus Bill and then the subsequent section, section 4 of the Omnibus Bill, repairs one provision of our Marine laws, so I guess as also a member of the Natural Resources Committee that is what I was trying to allude to if there is, because I have yet to receive anything at least on this particular section for the Natural Resources Committee to submit some sort of a findings so that we are all clear on this as well as it becomes a public record.

Speaker Froilan C. Tenorio: Mr. Demapan, if I may ask a question, this section that Mr. Tebuteb was referring to – provision of our marine laws – I assume it relates to immigration also, is that correct?

Representative Tebuteb: Mr. Speaker, if I may?

Speaker Froilan C. Tenorio: Yes, please.

Representative Tebuteb: It is just deleting the word “immigration” in that section.

Speaker Froilan C. Tenorio: Section 4?

Representative Tebuteb: Correct.

Speaker Froilan C. Tenorio: Do you have a problem with that?

Representative Tebuteb: No, my problem is that as a member of the Committee on Natural Resources so that we all have within the different - I guess Committee or to some extent the public to provide feedbacks so it would become a public record and again the question of – I am not sure what is the urgency?

Speaker Froilan C. Tenorio: Mr. Demapan, recognized.

Representative Demapan: Yes, I did answer that earlier and I did that already.

Speaker Froilan C. Tenorio: Mr. Dela Cruz, recognized.

Representative Dela Cruz: Thank you, Mr. Speaker, and correct me if I am wrong I heard the good Chairman mentioned that a public hearing was conducted by the Senate is that correct or was that a meeting by the Senate on this legislation?

Representative Demapan: Yes.

Representative Dela Cruz: It was a meeting for the public?

Representative Demapan: It was and that the public did come and attended that meeting.

Representative Dela Cruz: And the Senate instigated that meeting with the public?

Representative Demapan: That is correct.

Representative Dela Cruz: I am just curious, because you know this is a House Bill it is the property of the House referred to the Committee – I guess my question is, why would the Senate having a meeting or a public meeting for that matter when in the first place it should have been the House Committee, your Committee, that should be holding the meeting and if the public was invited then we would have received comments from the public.

Representative Demapan: As I had stated earlier, I did sent a out public notice for the Committee. I did sent out public notice on H. B. 17-25 and we did receive some comments from the Chamber of Commerce, the Department of Labor also submitted.

Representative Dela Cruz: I will yield for now, Mr. Speaker.

Speaker Froilan C. Tenorio: Mr. Cabrera, recognized.

Representative Cabrera: *Para bai u famaisen short recess kosaki siña ta discuss yangin guaha mas further question – para bai u famaisen lao polu basta sa esta ha yield si Representative Dela Cruz. I was going to ask for a short recess para ta na guaha dididi clarification enao ha, thank you, Mr. Speaker.*

Speaker Froilan C. Tenorio: Mr. Tebuteb, recognized.

Representative Tebuteb: Thank you, Mr. Speaker, maybe I will rephrase my question – is there an urgent matter that we need to pass this bill?

Speaker Froilan C. Tenorio: Mr. Demapan, recognized.

Representative Demapan: Yes.

Several members voiced ready.

Representative Demapan: Mr. Speaker, I believe I answered his question and the answer is yes.

Speaker Froilan C. Tenorio: Mr. Raymond Palacios, recognized.

Representative Raymond Palacios: Mr. Speaker, in line with Representative Tebuteb, colleague, just excuse me here – at any time a bill is all set the Committee has submitted their report it does not matter whether it is urgent or not – it is ready then act on it I think that is a good practice.

Speaker Froilan C. Tenorio: Mr. Tebuteb, recognized.

Representative Tebuteb: I have no problem – I certainly appreciate that. So maybe I should again rephrase my question because the amendment - most of it is just basically scratching out immigration – I have no problem with that, but I think the more urgent matter is probably to look at the revenue generating bills. Is it because of page 19, that we are really looking at, Mr. Speaker, or is it just scratching out the immigration section of all this.

Speaker Froilan C. Tenorio: Vice Speaker, recognized.

Vice Speaker Ogumoro: Mr. Speaker, I would like to move for a brief recess.

The House recessed at 2:45 p.m.

RECESS

The House reconvened at 2:56 p.m.

Speaker Froilan C. Tenorio: We are back in session. Mr. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker, I believe there are still many questions regarding this bill and I see that we have the Department of Labor and the Attorney General here – can I make a motion to move into committee of the whole so that we could receive comments and they can comment on this legislation.

The motion was seconded.

Speaker Froilan C. Tenorio: Discussion on the motion, ready.

There being no discussion on the motion it was carried by voice vote.

The House resolved into the Committee of the Whole at 2:57 p.m.

COMMITTEE OF THE WHOLE

Speaker Froilan C. Tenorio: Mr. Basa, recognized.

Representative Basa: Yes, Mr. Speaker, before I make any remarks, I wanted to apprise the Clerk that I am present today. A lot of the question that has been tossed around has to deal with, is this bill so urgent that we as a body must act on? I would like those that will be giving comments to also address that question I would appreciate it. Thank you.

Attorney General Edward Buckingham: Did you want a statement, Mr. Speaker or answering questions? I am not quite sure what would be the best use of time. I mean, I can begin to answer that if that would be helpful.

Vice Speaker Ogunoro: Mr. Speaker, I think the question on the floor right now coming from the individuals that have raised concerns is the urgency. What is the urgency on acting on the bill?

Attorney General Edward Buckingham: If I could, let me break my comments into two different parts. I think the first in terms of addressing the issue of urgency – sometimes urgency is a question of priorities and that is an inherently legislative matter and I think it would be inappropriate for the Attorney General to offer a whole lot of comment on that, because I think that is within your discretion. I think that from a technical end what the bill does is it places us into a sound legal and cleaner legal position now that we have had November 28th come and go, we now have federalization at least in terms of the entry and exit of people, and we have some statutory provisions that do warrant action. We also have some activities that I think would be helpful for business owners and employees to be more clear and I think those are public policy issues that all get addressed by the actions of this bill. In addition, we do have I think a technical legislative issue relative to the umbrella permits. As you may recall, the Office of the Attorney General delegated certain authority within the Executive Branch for the Department of Labor to undertake the umbrella permit activity. This was structural within the Executive Branch that we wanted to make sure there was a structure legally to allow the umbrella permits to take effect. What this bill does and how one would relate to this in terms of urgency, I guess it is one of those sooner tends to be better than later it does provide the Legislature with an opportunity to say this is not just within the Executive Branch but really represents the position of the Commonwealth. And I hope that answers at least in part your question?

Representative Benavente: Just to clarify your statement. The technical problem with the regulation implementing the umbrella permit was one of the reasons why this bill is necessary again, how so?

Attorney General Edward Buckingham: I would not characterize as it a technical problem – what we did was there exist authority for the Attorney General to conduct certain activities. For the umbrella permit to take effect what was done was the authority was in part delegated from the Office of the Attorney General to the Department of Labor so that Labor could implement the umbrella permit. The umbrella permit as currently undertaken the opinion of the AG's office is that is now proper. From a policy end however, what this does is that it presents the opportunity for the Legislature both with regard to the pre November 28th issuance of the umbrella permits but also now the management of the umbrella permits during this two year period, it provides a legislative structure and guidance for the Executive Branch.

Representative Benavente: So if there is no problem with the structure of the regulation in implementing the umbrella permit then what is it that we can do with this legislation that we cannot do currently?

Attorney General Edward Buckingham: While I was at a public forum yesterday and what I was hearing from folks is there is a deep concern on the part of nonresident workers also our real concern on the part of employees that they seem to be hearing different messages and I think that it is important to note that when we were there – the we being, in terms of presenters was, David Gulick from the Department of Homeland Security out of Hawaii, myself, and the Labor Ombudsman. What became very clear to me at least during the course of that preceding was that the relevant Department here is the Department of Homeland Security – that is really what effects immigration. Now, the Department of Interior has some roles, the Labor Ombudsman has some roles, but they are really not so much related to this issue. What the legislation I think provides is clarity for what happens now forward, because people are hearing you do not need to check with the Department of Labor before they switch jobs – you do not necessarily maintain a full time job – you do not need to keep appointments with the Department of Labor – that is creating confusion on the part of people. Now, we have offered an opinion I think that the thing and I guess this does kind of get to the sense of urgency that it is a current issue before the public is, this would present some guidance to the public – I mean we are certainly saying it, but this would present legislative guidance as well saying in the interest of consistency of just having organized method of managing labor during this two year period, keep doing what has been established, go back to Labor, follow the rules and make sure that we all know what we should be doing.

Representative Benavente: I asked you this question already and the bill as proposed provides language and you can tell by reading the almost four page of Findings and Purposes – that it pushes the agenda of the Governor’s position that the Federal Government is wrong that we control Labor and that is my objection to the legislation. We refer to your opinion that – that has been passed around, but in fact your opinion speaks only of the authority granted to us by the 110-229 on the two year transition period that is within, as authorized by the federalization – is that correct?

Attorney General Edward Buckingham: The opinion that you refer to was focused on that issue – we wanted to be clear, I mean I think legal opinions are better when they are more focused on specific issues – these specific areas we focused on.

Representative Benavente: And I say that, because I would like for everyone to kind of see that and understand that and then at some point in discussing the legislation take the position that what we are doing in clarifying the regulation that establish the umbrella permit is what we are trying to resolve here and not to continue to push this agenda or this idea of, you know, we control Labor and not the Federal Government.

Attorney General Edward Buckingham: If I could, and I mean this with all due respect, I think that when we were talking at the forum yesterday, what I expressed to Mr. Golick was that, let us talk about first of all, of what we agree – there is no dispute that the Commonwealth recognizes that the exclusive authority now for control of entry into the Commonwealth and exit, is Federal. Where I think we perhaps have some need for clarification is in the area of what about Labor, what is our role? And I think my perception is the best way to characterize it is, it is not exclusively Federal, it is not exclusively Commonwealth, we each have some roles to play and some needs to be met. So my own perception, and I think in terms on how we are working with Labor and the other affected parties is we are not trying to get into an all or nothing, it is either the Commonwealth or the Federal

Government it is that we each have roles to play, let us be clear about those roles and let us do our job the best we can.

Representative Benavente: But we are not reinventing the wheel here in this case – I mean what is the practice of other entities, other states, other territories when it comes to this matter?

Attorney General Edward Buckingham: I think when you get two different states, two different territories, here I think the uniqueness of the Commonwealth comes into play in terms of some of the history that exist here and so we are not like New York, we are not like California in terms of – there is some things we can learn, but I think we need to be careful not to say that we are the same as another state.

Speaker Froilan C. Tenorio: Mr. Sablan, recognized.

Representative Sablan: Mr. Buckingham, I think the issue here is the difference of interpretation of current authority over Labor matters, maybe the question then is, what is it in this propose bill that would resolve that different interpretation or is there anything in the propose bill that would resolve the issue – I mean we sense the urgency, but what is it in the bill that would help define or resolve the difference of opinion in regards to current authority?

Attorney General Edward Buckingham: I think perhaps this is a question what our opinion addressed is what we understand the current law to be. And I think to the degree what you are asking about an analysis of a bill which is up for consideration among you, I think that with all due respect you have your own Legal Counsels there I think they perhaps, better than me, would be in a position to provide you of the answer to that question.

Representative Sablan: I am sorry, but I think this is a proposed bill that was submitted upon request from the Department of Labor and I thought maybe somebody would be in the position to tell us what is in this bill if any that would resolve the difference of interpretation between the two Governments.

Attorney General Edward Buckingham: Let me take a crack at this – again, I just do not want to frankly have our office overstep its toes, so I am not doing this so much to obey - is to respect the role that you have, okay. I think that one of the things that this does is that it will provide I think some clarity that right now people are hearing things like, I do not need to check with the Department of Labor when they told me to come back as an interim appointment per my umbrella permit, that I can go switch employers and I do not really need to coordinate that or have that review by any entity in the Commonwealth, that I can change my employment status from full-time to part-time. And what I think this bill will help do is it would clarify the role of the Department of Labor what it does we believe still appropriately exist and it will give some direction to employers as well as to nonresident workers in the Commonwealth is to what their responsibilities are. So I hope that would achieve those objectives.

Representative Sablan: Thank you.

Attorney General Edward Buckingham: Your welcome.

Speaker Froilan C. Tenorio: Mr. Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. Mr. Buckingham, the concerns I have here is with respect to what we are trying to do with the legislation is we know that 110-229 is very clear when it talks about employment authorization, it states very clearly that an alien was lawfully present and authorized to be employed in the Commonwealth to our very own immigration laws under the transition program effectively they are basically authorized to be here automatically. Now there is an ambiguity that I can see coming from your Department and the Department of Labor as to what is the expiration versus a two year – the problem that we have here is that we have an umbrella permit that was promulgated under your office, you did not marry that with the Labor contract of the employee and employer so it became separate – now they have treated, the umbrella permit as an immigration issue. So now we have basically given them free reign to be in here within the Commonwealth the way I see. An additional section on the effects on other laws it says that - Federal laws says all laws, provisions, and programs of the Commonwealth relating to the provisions of aliens and the removal has now been superseded and have been replaced with this law being taken over that function and this is the crocks of your lawsuit. Now the way I see it, we are trying to, like what Representative Benavente had said earlier, we are trying to legalize or put it into law or memorialize what you guys had done, and unfortunately we lost the battle in DC Court.

Attorney General Edward Buckingham: I think the Deputy of Labor would like to comment on that...

Representative Yumul: No, Mr. Buckingham I want to hear from your Office, because you were the one who authorized the umbrella permit and not Labor.

Attorney General Edward Buckingham: Well, I think when you talk about the merits that we had I think we were moving and I hope that you can appreciate rather quickly you know when you do things and this is coming up toward the end we were making some – we did the best we could I am not going to say it was perfect. And to some degree I think that gets back to why this legislation will be helpful for the Commonwealth is when the umbrella permits were issued the Governor asked me to lead a group and included Labor and included other agencies of government, the private sectors and attorneys from the private sector and so we carefully reviewed, we did not and we very consciously did not give an umbrella permit that says that we now have permission with no conditions to remain in the Commonwealth until November 27, 2011. We set up a very measured reasonable process and there is certain standards that you need to meet like maintaining employment, like not getting into criminal activities etcetera, and we think that those were appropriate. We think that this bill allows now and codifies the role of the Department of Labor to make sure that they continue to monitor those activities and I think the concern is if we have an individual who listens to some of the stuff that is out there now they are going to get confused and they are going to make some bad choices. When they hear for example, I could be a part-time worker – what does that mean thirty hours a week – twenty – ten – one and if you suddenly have someone who does not have a job then you risk that person reaching out to people and you know becoming really a drain on their resources. The other risk for that person is maybe becoming a victim and you have the risk of that person turning to crime. Those are some of the things that I think this bill can help the directions.

Representative Yumul: Right and thank you for that. So we have gone ahead and given them an umbrella permit – the US agencies involves says – okay you are free to be here until 2011 November 27 before we see you. So that is...

Attorney General Edward Buckingham: Subject to conditions.

Representative Yumul: Subject to, obviously that is your interpretations, but you have that in one side then this bill throws in an amendment to create a floating benchmark for hiring is that because we are trying to now say, look we have created a monster we have all these umbrella permittees running around the Commonwealth and now they have to figure out a way to ensure that our local population remains gainfully employed I mean through this interim now we are trying to up the percentage and then in addition to that there is another section here that by definition taken out FAS Citizens as residents.

Attorney General Edward Buckingham: I would really appreciate the opportunity to say I know I just answered you I think on the umbrella permit and I think every issue you are raising here is perfectly legitimate, perfectly appropriate also perfectly a matter of policy and I would respectfully request that – that be addressed by the Deputy Secretary of Labor.

Representative Yumul: Thank you, for now and thank you, Mr. Buckingham.

Speaker Froilan C. Tenorio: Mr. Raymond Palacios, recognized.

Representative Raymond Palacios: Thank you, Mr. Speaker as to not further delay this issue, Mr. Speaker, I noticed that the last two speakers are members of this Committee on JGO. Why not bring up those concerns during their deliberation as a Committee.

Representative Yumul: Mr. Speaker, I can answer that. Thank you, colleague, Mr. Buckingham was not in that meeting and I would preferably hear it directly from him.

Representative Raymond Palacios: I do understand but why not request from the Chairman to call Mr. Buckingham in so that you know we can address it and not on the floor, because at any time we bring up a certain concern there will be other issues another member might bring up and it is delaying this whole process, in fact, it has been over an hour for just this one issue already.

Speaker Froilan C. Tenorio: Vice Speaker, recognized.

Vice Speaker Ogunoro: Mr. Speaker, I know that we have to move to some very urgent matters too and at this time I would like to ask that we move forward to the Deputy Secretary for Labor – Department of Labor to please be there to respond to the question as to why we this urgency to pass this measure today.

Deputy Secretary Jacinta Kaipat: Thank you very much. As you all know the CNMI controlled its immigration for thirty years and all this time we have references to immigration, entries, deportations which is first of all in our laws. Immigration also as you can see from the elements of the bill also touches other agencies it is not just the Department of Labor. And so this bill is our effort to clean that up as DHS said before and to bring clarity to take away the parts of our laws that have been preempted in a very limited way. What was preempted with the federalization in the passage of 110-229 is our ability to bring people in and to deport them – that is it. So this bill will accomplish that this is why – when Representative Tebuteb was asking about one word that was crossed out that references marina – the only word that was crossed out was, immigration. So I want to clarify that the periodical reports that he was referring to are separate – they have nothing to do with the bill that you have before you. I realize that there are new members of the Seventeenth Legislature who were not here and have never been privy to any of those reports – so you might not

be aware of what he was referring to. But when Public Law 15-108 was passed or signed into law I made a promise to the Legislature because I did not want them to start amending the bill before we had a chance at Labor to implement it to try it out and see what works and does not work – and I made a promise that I would go down to Labor and I would implement the law and go back to the Legislature with periodical reports on how we are doing. So to allow us to find out what works made suggestions to change the law in an organized fashion not an ad hoc piecemeal fashion that really will create a lot of problems with the Department of Labor in terms of enforcing our laws. So again that is the reason why those periodical reports have been provided to the Legislature. Secondly, it is also very important that not only is the Department of Labor probably the only agency, in fact, I am convinced it is the only agency that actually provides those periodical reports to the Legislature but we are also the only agency that provides the Legislature our proposed regulations. When we put regulations for Labor together we bring it before the Houses and we allow the Legislature to take a look at the proposed regulations and make a decision as to whether you accept those changes or not, so I want to be very clear. Another point that I want to state is that a question was asked about whether this is in compliance with regulations – we need to pass this bill first and we promise you that the regulations that you are asking for will be forthcoming in a very short period of time, again, I will make sure that the regulations are presented before this body. Let me clarify about the umbrella permit – the question that was asked was why Labor did not match up the umbrella permit expiration with the various contracts – that is a very impractical thing to do. There are many contracts, many employers, many employees – we are talking about people who contracts at different times various times about the year. When we are faced with a deadline we had to implement this umbrella permit program we were in a position where we want to make sure that these deadlines were enforced – coming up with the umbrella permit is an ingenious way to stabilize the workforce. What this did was it said, okay we are going to have this umbrella permit and we will put down this expiration the ultimate expiration of November 27, 2011 that is two years it reflects the two years transition period, okay – there is also another date on there that is called the report back date. When the AG refer to the umbrella permit having conditions that is what the report back date is referring to – it says that you have to do something before November 27, 2011 in order for you to continue to have that privilege of having this umbrella permit. Some people have pending cases for example and so when they receive their umbrella permit and at that report back date time they are supposed to come to Labor and we are supposed to have a face to face assessment to find out whether that person's case is finished because it is not always with Labor that they have cases with – they also have cases with the Superior Court or they have cases with the Federal Courts. So that is a way for us to keep track to make sure that people are holding umbrella permits that they are supposed to have. Secondly and very importantly, the report back date also says that if you are in the process of transferring from one employer to another you must comply with current labor laws and you must go over to employment services, you must register and if you do not do any of that because you just do not decide that you want to follow our laws when that report back date comes and that is way before the November 27, 2011 then we will revoke that permit because you cannot have that umbrella permit unless you have a legal job that has been approved by Labor that has all the requirements – you have to pay the fees you have to comply with all the requirements of police clearance, submission with the bond and so forth. So what that umbrella permit did was it stabilized the workforce and allowed us to make sure that we continue to implement our local laws. Now, it is always our contention that when Public Law 110-229 was passed it preempted again, entries and deportations, it allowed us at least the two years to continue to run our Labor and run our guest worker program. In this bill one of the things that I am asking you to do when you pass this bill today and I urge all of you to pass this bill today – one of the urgency is that it allows the Department of Labor by statute to reorganize itself – I believe that it is time for the Department of Labor to make sure that we reorganize the way that we operate so that we can focus more attention

on assisting and providing employment to US Citizens that should be our first priority and this is what this is intending to do. So I ask you on behalf of our people, I ask you on behalf of the Administration, I urge all of you to please pass this bill today without delay. Thank you.

Speaker Froilan C. Tenorio: Ms. Kaipat, let me ask you this question – with or without this legislation what is to stop you from renewing any labor contract of any foreign worker now present in the Commonwealth beyond 2011?

Deputy Secretary Jacinta Kaipat: Well if you recall 110-229 did give us two years the two years transition period to operate our labor and if you want to make sure that you are in compliance and I am not saying that we could not renew beyond 2011, but there has to be an extension of that transition period allowing us to do that.

Speaker Froilan C. Tenorio: No, but I thought the transition period extended up to 2014, so if a contract of an employee expires beyond 2011 what is to stop you from renewing that license before 2014?

Deputy Secretary Jacinta Kaipat: We have been given two years which to operate this guest worker program – the only way that I see us continuing beyond the two year mark is for the law to be amended giving us the authority to continue with that running the guest worker program.

Speaker Froilan C. Tenorio: Okay, but we are just talking about Labor here – we are not talking about immigration. The employees here now on the island and not affected by immigration – as far as I am concern you can renew this work permit until 2014 and I can see the Federal Government coming in and telling us to deport all these people – I mean I am not talking about new workers - I am talking about the workers presently in the Commonwealth – why can you not continue to renew their contracts until 2014?

Deputy Secretary Jacinta Kaipat: Again, I go back to what I said we have been specifically granted two years to run this and I cannot give you the answer that you are looking for I can only speak to what I know today.

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

Representative Joseph Deleon Guerrero: Thank you, Mr. Speaker. Mr. Speaker, if I may ask the Deputy Secretary a question on the differences in opinion regarding the Ombudsman's interpretation of the umbrella permit and it is not necessarily relevant to the bill itself, but so that I can get an understanding on the issue – maybe pose a hypothetical question to her. And you could correct me Jacinta if I am wrong – it is my understanding that they do not necessarily agree with the conditions of the umbrella permit I fully agree with having those conditions in there – but let us say my understanding that Pam Brown that if a worker can stay here until November 27, 2011, if the employee finds another employer and gets employed but necessarily have to be permitted by Labor – if that is their interpretation and obviously you disagree with that – like I said correct me if I am wrong here but what happens is that they have the authority to deport – we say that this employee did not follow the conditions of the umbrella permit and therefore should be deported but they take the position that – that is not a deportable offense – they do not want to deport, what happens then?

Deputy Secretary Jacinta Kaipat: I think the AG is asking to respond to this.

Attorney General Edward Buckingham: I think to clarify it first of all, let us talk about who they is. When we talk to Immigration and Customs enforcement and the authority to their new words remove I agree with the Speaker I understand deportation and the authority for deportation is exclusively with Immigration Customs enforcement Department of Homeland Security. The person of whom you are quoting is not an employee of the Department of Homeland Security – David Gulick when we were at the forum yesterday made it very clear that he appreciates the comments that are made by a fellow entity within the Federal Government but that is not the Department of Homeland Security. The Department of Homeland Security speaks for the Department of Homeland Security. We have the Department of Homeland Security already working in a very cooperative and collaborative basis with us. When our Criminal Division gets a conviction for example we coordinate with Labor we then make sure that steps are undertaken so their permit can be revoked – Immigration and Customs enforcement has never told us we do not care about that. In fact what they are saying is okay when you get the conviction let us work together to get the umbrella permit revoked – once we get the umbrella permit revoked we are going to have that person deported. So that working level what we are saying now day in and day out is we and you may hear perceptions in the news about a different view that is not coming from the Homeland Security in the terms of our work we are working very well.

Representative Joseph Deleon Guerrero: Just one more question. Mr. Buckingham, last year we introduced a bill that would make foreign nationals I think is the politically correct terminology – deportable if they are caught and arrested for drugs. The reason I give that, there are deportable offenses listed in our code that was not one of them and I wanted to make that one of them. My question right now is, do we still have the authority to determine what are deportable offenses or does the Federal Government have their own list of deportable offenses? Can they deport for offenses that we legislate?

Attorney General Edward Buckingham: Let me clarify the first part – first in terms of structure who decides what can be deported or not is now Federal – that is exclusively Federal. So technically it is exclusively Federal. But we are talking on a working level and if the Legislature wishes to provide guidance to the Executive Branch on what you think we should be focusing on in terms of the deportable offense that is certainly my opinion within the proper role and scope and authority of the Legislature. It does not mean that we did not control deportation but we listened to what you say in terms of advising the Federal authorities this is what we think we got to focus on. I can tell you that in practice and I ask this question of our Chief Prosecutor about three hours ago – I said let us talk to them when we have someone convicted of a crime is ICE working with us to get that person deported – answered yes. The second question that I asked was, when we have a person because there is an impression that if it is not a crime they are not going to deport because in the United States mainland it takes an average of 440 days plus to deport somebody – I do not think that is the case here but I wanted to verify that – said absolutely not. If we have someone who we, Commonwealth believe should be subject to deportation we have a good working relationship with ICE – we work with ICE and convey case information, I am not saying every case but most of the cases they are respecting our wishes and working with us to get deportation. And I am not talking about deportation in six months or a year and half like might be the case in the mainland – we are talking deportation generally in thirty days or less.

Speaker Froilan C. Tenorio: Who pays for the deportation?

Attorney General Edward Buckingham: Who pays for the deportation? Once a person is within the ICE arena, is ICE – they pay for the detention of the person prior to deportation and they pay for the deportations.

Representative Joseph Deleon Guerrero: Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Mr. Sablan, recognized.

Representative Sablan: Mr. Buckingham, going back to convictions. So your recommendation is, this and anticipate that ICE would use conviction in the local jurisdiction as a removable cause?

Attorney General Edward Buckingham: Yes.

Speaker Froilan C. Tenorio: Mr. Basa, recognized.

Representative Basa: Mr. Buckingham, I am just curious on the deportation list, what is the number do you have now, is there so many pending?

Attorney General Edward Buckingham: This is one probably the Deputy Secretary can better answer your question.

Deputy Secretary Jacinta Kaipat: We have about three hundred.

Attorney General Edward Buckingham: And we have plenty capacity in the jail.

Representative Basa: I think less in jail is better for the government than more.

Speaker Froilan C. Tenorio: Okay, Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, I believe everybody has had a reasonable time for their question – right now 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 its plenary session at 3:31 p.m.

Speaker Froilan C. Tenorio: We are considering the Standing Committee Reports on S. C. R. 17-3, are there anymore discussions? Ready.

There being no further discussion on the motion to adopt S. C. R. 17-3, and it was carried by voice vote.

Speaker Froilan C. Tenorio: Mr. Floor Leader, recognized.

Floor Leader Camacho: Since the motion has been carried, Mr. Speaker, I would like to move down to the Bill Calendar so that we may act on the bill.

There were no objections raised on the floor.

BILL CALENDAR

Floor Leader Camacho: Mr. Speaker, now that we are on the Bill Calendar I would like to move for the passage of H. B. 17-25, HS1 on First and Final Reading.

The motion was seconded.

H. B. 17-25, HS1:

IN THE HOUSE OF REPRESENTATIVES

A BILL FOR AN ACT TO REPEAL AND AMEND CERTAIN SECTIONS OF THE COMMONWEALTH CODE DEALING WITH IMMIGRATION FUNCTIONS; AND FOR OTHER PURPOSES.

Introduced by Representative Ralph S. Demapan of Saipan, Precinct 2 (*for himself*)

Speaker Froilan C. Tenorio: Discussion on the motion, Mr. Benavente, recognized.

Representative Benavente: Mr. Speaker, we did take the time from at least from their side to hear some of the legal questions that were brought up here in the discussion with the House committee – and maybe there are some of us who are comfortable enough to make the decision based on the response on those legal concerns that we have. But now what we need to consider, Mr. Speaker, is a policy question – and the policy question is how this proposed legislation affects our community more importantly how it would affect our business community as far up as possible investors. The bill once again proposes to insinuate or imply that we control Labor – not just the local Labor but including foreign workers, which again, has been answered in the Court case that we lost. And in fact the legal opinion and even the legal question I believe and the Counsel can correct me if I am wrong on the question whether this bill violates Federal Law and the Attorney General's opinion that if we are using as a legal respond is only referring to the two years the transition period if you will that is authorized under the federalization law 110-229, which again, proposes to end this umbrella permit authority and our authority to control our Labor and those individuals working in the Commonwealth until at least November 27, 2011, and I think that is pretty clear that – that is the legal opinion so far that we have seen. And so I want to make it perfectly clear that this Legislature, because of the policy concerns that we have would not be implying, Mr. Speaker, that we continue to argue with the Federal Government as to who controls foreign labors here in the Commonwealth, because again the concerns that we have is how does that present to the community and again most importantly to the business community as to where to go to hire a nonresident worker – is it that we go to our local Labor office and apply or do we go and apply under the Homeland under INS. We cannot continue to provide this uncertainty here in the community that affects the business community, that affects investments and Lord knows how much we need that. While I know that – that is what is going on right now at least let us be comfortable that this is not going to go on forever. I had asked several businesses and they have decided that status quo would probably be the best way for them and this is a large business on the island who said now, after listening to both sides of the argument to do what I did recently when I renewed my worker and that is, go ahead and pay the over \$500 in fees to renew the worker with Labor and follow the current Labor law, but that would end in a two year period rather than us taking the same position that even after 2011, we are going to raise arms and say to the Federal Government that we are going to continue to require nonresident workers to go to Labor because that is not the case, Mr. Speaker. I think it is clear we lost the lawsuit, I think it is clear that when the Federalization took over and as far as foreign

workers are concern that is an immigration issue that is controlled by the Federal Government so unless there are any objections on the floor that the intent of this body in passing this bill is to limit it to the two years authorized by the Federalization law. Thank you.

Speaker Froilan C. Tenorio: Well, let me just say a few words. Why not enact this bill into law and then let the US Government decide whether it is inconsistent with Federal Law – they will let us know if we are infringing on their authority, but if we are just talking about Labor and we understand that when the Federal Government took away Immigration from us it was strictly Immigration that they were supposed to take away from us, and not Labor pursuant to the Covenant. So I do not know what is wrong with just enacting this bill into law and let the Federal Government decide.

Representative Benavente: Point of information, Mr. Speaker, just to clarify your statement – that is the content of the lawsuit that we filed against the Federal Government in which the Administration lost. We argued that when we took over the control of Immigration pursuant to the Covenant that you merely took over immigration but Labor we continue to control and we lost that case, because in fact when you go to Guam or if you are going to go to Hawaii when you go to anywhere in the United States jurisdiction where the US Immigration is applicable foreign workers in those entities are processed through immigration laws and not the states' Labor laws. So if you are saying we will wait for the Federal Government to object I think we are hearing it today or maybe not the proper Agency or the appropriate agency as the Attorney General has told us, but certainly certain agencies in the Federal Government are already telling us even this statute which again we are considering only for the purpose of the two years under law is not legal so that I hope answered your question.

Speaker Froilan C. Tenorio: Yes, Mr. Benavente, but I assumed that this bill was drafted with approval of the Attorney General's Office so we would have to assume that in their opinion there is nothing wrong with us enacting this bill into law. The Clerk shall call the roll.

The Clerk called the Roll for the passage of H.B. 17-25, HS1 on First and Final Reading with the following results:

Representative Ramon S. Basa	yes
Representative Diego T. Benavente	yes
Representative Eliceo D. Cabrera	yes
Representative George N. Camacho	yes
Representative Trenton B. Conner	abstain
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Fredrick P. Deleon Guerrero	absent (excused)
Representative Rafael S. Demapan	yes
Representative Sylvestre Ilo Iguel	yes
Representative Felicidad Taman Ogumoro	yes
Representative Joseph M. Palacios	yes
Representative Raymond D. Palacios	yes
Representative Antonio P. Sablan	yes
Representative Teresita A. Santos	yes
Representative Ramon A. Tebuteb	no
Speaker Froilan C. Tenorio	yes
Representative Stanley McGinnis Torres	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ray N. Yumul	no

Speaker Froilan C. Tenorio: The motion has been carried. Short recess.

The House recessed at 3:44 p.m.

RECESS

The House reconvened at 3:58 p.m.

Speaker Froilan C. Tenorio: We are now back to session. Mr. Yumul, recognized.

Representative Yumul: Thank you. Since we are still under the Bill Calendar, during our last session we had originally passed H. B. 17-30, but because of an codification error on the legislation itself we had a motion to recall our action pending Legal Counsel amending the legislation to correctly identify the codification so we can go ahead and pass it.

Speaker Froilan C. Tenorio: One moment, Mr. Yumul. Mr. Floor Leader, recognized.

Floor Leader Camacho: I would like to go ahead and have him finish his statement.

Representative Yumul: If the bill is ready for action we should just go ahead and pass it because it was just a technical.

Floor Leader Camacho: I am not aware that the bill is ready and I have not been notified that the technical amendments had been corrected and what not – unless somebody has more knowledge on this issue.

Speaker Froilan C. Tenorio: Who is the sponsor of this legislation? Mr. McGinnis-Torres, recognized.

Representative McGinnis-Torres: Mr. Speaker, it is out of my hands – it should be in the hands of the Legal Counsel.

Floor Leader Camacho: With that can I go ahead and if there is no objections from the author – so the amendments have been made and the bill is ready for action – okay. While we are under the Bill Calendar we do have one bill on the Bill Calendar, I would like to go ahead and dispose of this bill at this moment. In that note let us move back to Item II, Public Comments to give the public the opportunity to comment on anything listed on the agenda today if there are no objections from the members.

There were no objections made on the floor.

PUBLIC COMMENTS

Speaker Froilan C. Tenorio: Again, at this time I would like to ask the audience if anybody wants to say anything about anything this afternoon. Will you identify yourself?

I am Daniel Stafford, I am the general Counsel for the Judicial Branch, I am here on behalf of the Judges and Justices and the staff of the Judiciary. And while some of the specific concerns that the Judicial Branch had about the constitutionality of the previous version of the austerity bill have been remedied in the subsequent bill – we still greatly oppose any provision that dictates when our doors

can and cannot be opened and when we can require certain personnel to be there and when we have to tell them not to come. The Judicial Branch is not trying to sidestep its responsibility to contribute to deficit reduction, we simply ask for the flexibility to determine the most appropriate ways to do so give us a number, 10% - 15% - 12.5% and we will cut the cost – just allow us to do so on our own terms. Thank you.

Speaker Froilan C. Tenorio: Thank you, very much. Is there anybody else that who would like to say anything? If not, we will go down to Item III, Adoption of Journals

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

Speaker Froilan C. Tenorio: Vice Speaker, recognized.

Vice Speaker Ogumoro: Mr. Speaker, I have a bill to introduce today that is H. B. 17-42, to appropriate the sum of \$135,000 from the Mañagaha Landing fees pursuant to 2 CMC § 1622 (b) and to support the 2010 Indigenous Conference, and Chief Aghurubw recognition week in the month of September – the “cultural and heritage month” and for other purposes, which is considered our cultural and heritage month.

Representative Ogumoro introduced the following prefiled House Bill:

HOUSE BILL 17-42:

To appropriate the sum of \$135,000 from the Mañagaha Landing fees pursuant to 2 CMC § 1622 (b) and to support the 2010 Indigenous Conference, and Chief Aghurubw recognition week in the month of September – the “cultural and heritage month” and for other purposes.

Sponsored by REPRESENTATIVE FELICIDAD T. OGUMORO of Saipan, Precinct 3 (*for herself*)
Referred to the Committee on Ways and Means

Speaker Froilan C. Tenorio: H. B. 17-42, is referred to the Committee on Ways and Means. On H. B. 17-43, I recognized Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker, introducing H. B. 17-43, myself and Representatives Conner, Santos, and McGinnis-Torres. A bill for an act to establish a CNMI Office of Transit Authority within the Office of the Governor; and for other purposes. I have attached an old NMI Delegate communication 16-2, that explains the position of the Washington Delegate that this legislation is important for the Commonwealth so that we may be able to develop a Commonwealth wide shipping and transportation infrastructure as we know for example, Tinian Shipping and Transportation which operates the Tinian Ferry had shut down operations due to some mechanical issues and now Tinian has no intermodal transshipping for the public – they are now relying on airline transportation and other means. This also will benefit the island of Rota so that they may be able to receive more commerce through the CNMI waters. They did come out not too recent past of a food shortage because of lack of vessel that would periodically call on Rota. So this legislation will in effect organize and office within the Office of the Governor so that any grants that

pertains to transportation and procuring of equipment and vehicles ships for that purpose and also for our development of our roadways will be handled effectively. Thank you.

Representative Yumul introduced the following prefiled House Bill:

HOUSE BILL 17-43:

To establish a CNMI Office of Transit Authority within the Office of the Governor; and for other purposes

Sponsored by Representative RAY N. YUMUL of Saipan, Precinct 3 (*for himself*, Representatives Trenton B. Conner, Teresita A. Santos and Stanley T. MCGINNIS-TORRES)

Referred to the Committees on Public Utilities, Transportation and Communications and Ways and Means.

Speaker Froilan C. Tenorio: Mr. Yumul, is there any reason why you want this office in the Office of the Governor rather than in one of the Departments?

Representative Yumul: When I had originally introduced this in the prior Legislature the Governor is actually in favor of this – he had no issues having this office under his Administration. Again, if there is Departments such as, the Department of Public Works that is interested I know DPW right now has not really been performing in terms of Capital Improvement Projects and the like and the issues that are involved here are really technical in nature and really needs a group or a Board that would help decide the direction that we want to move in – in terms of prioritizing what transportation and infrastructure needs we need. Thank you.

Speaker Froilan C. Tenorio: Thank you. H. B. 17-43 is referred to the Committee on Judiciary and Government Operations and the Committee on Ways and Means. Mr. Cabrera, recognized.

Representative Cabrera: Thank you, Mr. Speaker. *Para bai hu laknos esti huyong i bill para bai hu withdraw gi para pago na talo'ani i H. B. 17-44, iyo to repeal Public Laws 14-80, 14-65 ha na'fatto i public auditor yan iyoña opinion yan iyoña findings i pot i Tobacco Control Fund. Yan kulan ti gof maolek i sineda'ña pues polu ya bai hu withdraw esti na bill yan bai hu ina talo un biahi antes na bia hu chogui tatte.*

There were no objections on the floor.

Representative Cabrera withdrew the following prefiled House Bill:

HOUSE BILL 17-44:

To repeal Public Laws 14-80, 15-65, 15-106, 15-110, and 16-39; To appropriate the funds deposited in the Tobacco Control Fund pursuant to Public Law 13-38; and for other purposes.

Sponsored by Representative Eliceo D. CABRERA of Saipan, Precinct 1 (*for himself*, Representatives Francisco S. Dela Cruz, Joseph M. Palacios, Antonio P. Sablan, Ramon A. Tebuteb, and Ray N. Yumul)
Legislation was withdrawn by the author.

Speaker Froilan C. Tenorio: On H. B. 17-45, Mr. Basa, recognized.

Representative Basa: Thank you, Mr. Speaker, this is a bill for an act and was prefiled on March 16, 2010. The bill proposes to implement a 70 hour government pay period and for other purposes. The purpose of the bill, H. B. 17-45 is to implement cost cutting measures within the Government of the Commonwealth of the Northern Marianas. H. B. 17-45, proposes to reduce the Government work week by 10 hours per pay period for the remaining Fiscal Year 2010. By having a 70 hour pay period by limiting paid working hours to 7 hours from Monday through Friday. The basic intent of this bill, H. B. 17-45 is to forestall any of the following from happening, one, without implementation of austerity in personnel expense the CNMI's ability to deliver basic public services will be threatened affecting Medical Referral, Public Health, Public Safety, and Utilities. Second, if we do no act on this bill, implementation of an immediate freeze of all expenditures under all others category will seize. Third, the Administration will implement rift, reduction in force if the Legislature does not address the mounting of current expenditure rate. Lastly, the Administration as well as I, the Committee projected payless pay day will occur as early as the 23rd April, 2010. Therefore, the longer we wait the greater the financial imbalance and the more severe method would have to be implemented by the Administration. Thank you, Mr. Speaker.

Representative Basa introduced the following prefiled House Bill:

HOUSE BILL 17-45:

To implement a Seventy (70) hour government pay period; and for other purposes.

Sponsored by Representative Ramon S. BASA of Saipan, Precinct 5 (*for himself*)
Referred to the Committee on Ways and Means

Speaker Froilan C. Tenorio: Thank you, H. B. 17-45 is referred to the Committee on Ways and Means. Mr. Joseph Deleon Guerrero.

Representative Joseph Deleon Guerrero: Thank you, Mr. Speaker. Mr. Speaker, may I make a recommendation regarding H. B. 17-43, I certainly understand and respect your authority to refer bills to different Committees, I was just looking at this bill that it has to do with establishing an Office of Transit Authority – transportation office if you will. And I think you referred it to Judiciary and Governmental Operations (JGO) and I understand that JGO is heavily burden with many bills that are piling up, perhaps you may want to reconsider and pass it on to Public Utilities, Transportation and Communications (PUTC) which the teeth is transportation. It is just a recommendation, Mr. Speaker.

Speaker Froilan C. Tenorio: Yes, I think that is a good idea, so Mr. Demapan, if you do not mind I will take this out from your Committee and refer it to PUTC.

Representative Demapan voiced no objections.

Speaker Froilan C. Tenorio: It is so ordered. On House Local Bills, Mr. Demapan, recognized.

Representative Demapan: If there are no objections from members, I have prefiled H. L. B.17-11, to appropriate \$238,726 from the Third Senatorial District Developers Infrastructure Tax Fund and the unobligated/lapsed funds under Saipan Local Law 15-10; and for other purposes. The purpose of

this bill is to complete the Haguas Road, the second is to provide sidewalks along the main roads in Chalan Kanoa and Susupe and the third is the pavement of Tekken Lane.

Speaker Froilan C. Tenorio: That is numbered H. L. B. 17-11, Mr. Floor Leader do you have anything to say about this?

Floor Leader Camacho: Yes, if we were to place that onto the agenda we need to make a motion to suspend Rules and have the consensus of the majority to allow that to appear onto our agenda. However, Representative Demapan you can prefile it today and introduce it in the next session if that is okay with you.

Representative Demapan: If it is okay with the members and there are no objections I would like to have it on today's agenda.

The motion was seconded.

Floor Leader Camacho: For introduction purposes, I have no objection to it.

Speaker Froilan C. Tenorio: It has been seconded. Mr. Benavente, recognized.

Representative Benavente: Mr. Speaker, we can refer to the Legal Counsel but we have been there and done that – if it does not meet the 72 hours prefile then the only way we can include it – which introducing it and including it the only way we can do that is through vote by majority of the members to allow it and at the same time I believe this particular provision has to have a justification as to its urgency. And so it is not allowed with just any legislation and again maybe we refer to the Legal Counsel so that we are in order.

Speaker Froilan C. Tenorio: Well, if I am not mistaken, Mr. Demapan, we are thinking of cutting short our session and so we would not be entertaining this.

Representative Demapan: That is okay, Mr. Speaker, just as long as we place it on today's agenda.

Floor Leader Camacho: It would be on this agenda when we convene come Monday. It would have meet the 72 hours the Legal Counsel can correct me if I am wrong.

Speaker Froilan C. Tenorio: Do we still have to vote on it?

Floor Leader Camacho: No, we can continue on with the other items on the agenda.

Speaker Froilan C. Tenorio: On item five, Introductions of Resolutions. Are there House Resolutions, House Joint Resolutions, Mr. Benavente recognized.

HOUSE RESOLUTIONS

NONE

HOUSE JOINT RESOLUTIONS

Representative Benavente: Under House Joint Resolutions, Mr. Speaker, I believe this might be an oversight, I believe I prefiled H. J. R. 17-2 and it has met the 72 hours requirement – it really should of appeared on today’s agenda under the Introduction of Resolutions so that I can formally introduce it. So at this time Mr. Speaker without objections on the floor I would like to introduce H. J. R. 17-2, “A House Joint Resolution to request the Governor to convene a budget summit to discuss ideas for dealing with the Commonwealth’s budget crisis”, introduced by myself and several members. Thank you.

Representative Benavente introduced the following prefiled House Joint Resolution:

HOUSE JOINT RESOLUTION 17-2:

A House Joint Resolution to request the Governor to convene a budget summit to discuss ideas for dealing with the Commonwealth’s budget crisis.

Sponsored by Representative Diego T. BENAVENTE, of Saipan, Precinct 1, (*for himself*, Representatives Eliceo D. Cabrera, Trenton Conner, Francisco S. Dela Cruz, Joseph Deleon Guerrero, Joseph M. Palacios, Antonio P. Sablan, Ramon A. Tebuteb, and Ray N. Yumul)

Speaker Froilan C. Tenorio: Do we have to refer this to a Committee?

Representative Benavente: Mr. Speaker, if there is no objection from yourself and the members, I would like to ask that since I believe it is an urgent matter that we refer this as authorized by law upon your direction that this be placed on the Resolution Calendar and maybe on the Monday’s session we can take it up.

There were no objections raised by the members.

Floor Leader Camacho: Yes, Mr. Speaker, you have the authority to move all resolutions directly to the Resolution Calendar rather than to Committee with your authority.

Speaker Froilan C. Tenorio: Okay, but are we going to act on it today?

Representative Benavente: No, on Monday.

Speaker Froilan C. Tenorio: Okay, Monday.

Floor Leader Camacho: But could you go ahead and make the proper motion and place it on the Resolution Calendar.

Speaker Froilan C. Tenorio: Okay, so is there a motion.

Floor Leader Camacho: So move, Mr. Speaker, to place it on the Resolution Calendar.

The motion was seconded and several members voiced ready the motion was carried by voice vote.

Speaker Froilan C. Tenorio: On House Commemorative Resolutions.

HOUSE COMMEMORATIVE RESOLUTIONS

NONE

Speaker Froilan C. Tenorio: On House Concurrent Resolutions.

HOUSE CONCURRENT RESOLUTIONS

NONE

Speaker Froilan C. Tenorio: Mr. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker, if there are no more items to be introduced I would like to go ahead a move for recess until Monday afternoon.

The motion was seconded.

Vice Speaker Ogumoro: Privilege, Mr. Speaker.

Speaker Froilan C. Tenorio: Vice Speaker, recognized.

Vice Speaker Ogumoro: Until what time?

Speaker Froilan C. Tenorio: Two o'clock.

Vice Speaker Ogumoro: If there are no objections that we move to set our meeting schedule for the morning so that we can act on especially on cost cutting measure that is before us – the longer we wait, Mr. Speaker, and I think we need to take it up at a time when our minds are not as tired and so that we can move speedily on that measure. So if there are no objections, I would like to suggest that we meet at ten o'clock Monday morning.

Representative Yumul: Mr. Speaker, does that meet the 72 hours, because that is cutting it tight.

Speaker Froilan C. Tenorio: We will be on recess.

Representative Yumul: My understanding is the Open Government Act. If we reconvene within 24 hours then that is allowable as a recess, but we have a big gap we have more than two days.

Vice Speaker Ogumoro: Well, Mr. Speaker, we can discuss on that later then and come up with a date as early as possible.

Speaker Froilan C. Tenorio: Mr. Floor Leader, recognized.

Floor Leader Camacho: Can I just move that we recess subject to the call of the Chair.

The motion was seconded.

Speaker Froilan C. Tenorio: Discussion on the motion to recess subject to the call of the Speaker. Ready. Mr. Basa, recognized.

Representative Basa: Mr. Speaker, I have always been known as a law abiding citizen – I recommend and just to be safe on the 72 hours that we have it as early as Tuesday morning maybe at ten o'clock.

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

Floor Leader Camacho: Okay, I would like to move that we recess until Tuesday morning at ten o'clock.

Floor Leader George N. Camacho moved to adjourn; it was seconded and carried by voice vote.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 17-52: (3/21/10) Salary certification in excess of \$50,000 for attorneys at the Office of the Attorney General. (Names listed in communication)

GOV. COMM. 17-53: (3/5/10) Certifying and granting approval for Mr. Anthony Edward Raho (In-Patient Pharmacy Manager) at CHC to receive an annual salary of \$115,000.00. [FOR INFO]

GOV. COMM. 17-54: (3/9/10) Submitting revised estimated resources for FY 2010 with attachments.

GOV. COMM. 17-55: (3/12/10) Certifying vacant positions at the Division of Revenue and Taxation, Department of Finance and must be filled. [FOR INFO]

GOV. COMM. 17-56: (3/12/10) Certifying a vacant position at the Department of Public Health and must be filled. [FOR INFO]

GOV. COMM. 17-57: (3/12/10) Certifying and granting approval for Dr. Norma S. Ada (Pediatrician), at CHC and to receive an annual salary of \$124,800.00. [FOR INFO]

GOV. COMM. 17-58: (3/12/10) CERTIFYING VACANT POSITIONS AT THE OFFICE OF THE ATTORNEY GENERAL AND MUST BE FILLED. [FOR INFO]

GOV. COMM. 17-59: (NO DATE) Copy of letter addressed to Chairman of Saipan and Northern Islands Legislative Delegation appointing Mr. Diego C. Blanco to serve as member of the Commonwealth Zoning Board. [FOR INFO]

GOV. COMM. 17-60: (3/15/10) Copy of Legal Opinion issued by Attorney General Edward T. Buckingham re "Employment Requirements Imposed by CNMI Laws." [FOR INFO]

There were no discussions under this item of the agenda.

SENATE COMMUNICATIONS

SEN. COMM. 17-1 3: (3/15/10) Returning H. J. R. No. 17-1, [Supporting the alliance between the Commonwealth of the Northern Mariana Islands and Guam through the MARIANA ISLANDS LEGISLATURE ASSOCIATION (MILA); and for other purposes.] adopted by the Senate on March 12, 2010. [FOR INFO]

SEN. COMM. 17-14: (3/15/10) Transmitting for House Action S. B. No. 17-19, SS1 [To amend 1 CMC § 2553(k) to provide for a three percent (3%) simple interest rate for outstanding obligations of the Commonwealth; to amend 7 CMC § 4101 governing the award of prejudgment and postjudgment interest against the Commonwealth; to amend 7 CMC § 4101 concerning pre and

post judgment interest generally; to codify a policy concerning the payment of tax rebates without penalties and interest; to amend 7 CMC § 2205 regarding the sovereign immunity of the Commonwealth in the payment of money judgments; and for other purposes.] [FOR ACTION]

SEN. COMM. 7-15: (3/15/10) Transmitting for House action S .B. No. 17-20, SDI, entitled, "To temporarily suspend the mandatory driver education prerequisite of Public Law 15-25 as applied to students in the CNMI; to authorize the Public School System to establish a Student Driver Education Program; and for other purposes," which was passed by the Senate on March 12, 2010. [FOR ACTION]

There were no discussions under this item of the agenda.

HOUSE COMMUNICATIONS

NONE

COMMUNICATIONS FROM THE JUDICIAL BRANCH

JUD. BR. COMM. 17-6: (3/11/10) From Mr. Daniel C. Stafford, Clerk of the Supreme Court, submitting comments on the proposed austerity measures. [Ref: House Bill No. 17-22, HDI]

There were no discussions under this item of the agenda.

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 17-6: (3/11/10) From Ms. Lucia Blanco-Maratita, BOE Chairperson, and Dr. Rita A. Sablan, COE, submitting comments on H. B. 17-22, HDI [Austerity Holidays Act of 2010].

There were no discussions under this item of the agenda.

MISCELLANEOUS COMMUNICATIONS

MISC. COMM. 7-9: (3/11/10) From Youth Congress Secretary transmitting Youth Congress Bill No. 12-01, entitled, "To restrict the use of the wireless telephones while driving vehicles; and for other purposes, " passed by the Twelfth CNMI Youth Congress on February 20, 2010.

MISC. COMM. 17-10: (3/11/10) From Youth Congress Secretary transmitting Youth Congress Bill No. 12-02, entitled, "To require all public schools to promote recycling," passed by the Twelfth CNMI Youth Congress on February 20, 2010.

MISC. COMM. 17-11: (3/11/10) Copy of letter from Mr. Kyle L. Calabrese, Executive Director of the Saipan Chamber of Commerce, submitting comments on House Bill No. 17-25, HS1 [Immigration Conformity Act of 2010]. [For info]

There were no discussions under this part of the agenda.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

UNFINISHED BUSINESS

NONE

RESOLUTION CALENDAR

NONE

MISCELLANEOUS BUSINESS

NONE

ANNOUNCEMENT

No announcements were made.

ADJOURNMENT

Floor Leader George N. Camacho moved to adjourn; it was seconded and carried by voice vote.

The House adjourned at 4:25p.m.

Respectfully submitted,

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

APPEARANCE OF LOCAL BILLS

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

SECOND APPEARANCE: NONE

THIRD APPEARANCE:

H.L.B. 17-6:

A House Local Bill for the Third Senatorial District to amend 10 CMC § 3901; and for other purposes.

Introduced by **REP. Felicidad T. OGUMORO** of Saipan, Precinct 3.