



SEVENTEENTH LEGISLATURE  
HOUSE OF REPRESENTATIVES  
LEGISLATIVE JOURNAL

FIRST SPECIAL SESSION, 2010

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Second Day

Friday, April 30, 2010

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The House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature convened its Third Day, First Regular Session on Friday, 30th of April 2010, at 11:25 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

The Clerk called the roll and nineteen members were present; Representatives Teresita A. Santos were absent and excused.

Speaker Froilan C. Tenorio: I would like to inquire as to why our Congresswoman from Rota has not been here twice, does anybody know?

Floor Leader Camacho: She is in Washington, DC, she should be here next week, I believe.

Speaker Froilan C. Tenorio: From where?

Floor Leader Camacho: From Washington, DC to support the Rota National Park.

Representative Benavente: Point of information, Mr. Speaker. I did receive a copy of Representative Santos' memo to you, regarding her official off-island trip and it was on the House Communication in the last session.

**PUBLIC COMMENTS**

Speaker Froilan C. Tenorio: Under Public Comments, Mrs. Guerrero, do you have anything from the Executive? Does anybody in the audience want to say something on almost anything?

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

Speaker Froilan C. Tenorio: Okay we move done to item III, Adoption of Journals

### ADOPTION OF JOURNALS

*The Clerk announced that there are no journals for adoption.*

Speaker Froilan C. Tenorio: Next Item, Introduction of Bills.

### INTRODUCTION OF BILLS

#### *House Bills:*

Speaker Froilan C. Tenorio: House Bill 17-70, to amend Public Law 16-46 relating to smoking in public places – I was the one who introduce this bill. Simply, the objective of this bill is to reverse what – was it the Sixteenth Legislature that passed the No Smoking Ban. I found out from many of our tourists that they are uncomfortable when they stay in one of the hotels because as the law right now is that only 20% hotel rooms are reserved for smoking. So my bill would reverse that and make it 80% of the hotel rooms. This idea of a ban on smoking might good for us in the Commonwealth, but the fact is that hardly any of us stay in any of the hotels over here. The hotels are for the benefit of our tourists and I think we should make it convenient restful for them to be able to smoke in the rooms. If I am not mistaken the taxes on cigarettes were increased recently but what good is that if we discourage the tourists from smoking – they will not being buying cigarettes over here. Any way this bill is referred to the Committee on Health and Welfare.

#### HOUSE BILL 17-70

#### A BILL FOR AN ACT TO AMEND PUBLIC LAW 16-46 RELATING TO SMOKING IN PUBLIC PLACES.

Introduced by REPRESENTATIVE FROILAN C. TENORIO of Saipan, Precinct I (*for himself*)

Referred to the Committee on Health and Welfare

#### *House Local Bills:*

Speaker Froilan C. Tenorio: On House Local Bills, Mr. Conner, recognized.

Representative Conner: Thank you, Mr. Speaker, House Local Bill 17-17, a Local Appropriation Bill for an Act for the Second Senatorial District to appropriate Ninety Two Thousand Dollars (\$92,000) from the local license fees collected for pachinko slot machines and poker machines in the Second Senatorial District; and for other purposes. Mr. Speaker and members of this body, \$66,000 is for the Tinian Municipal Scholarship, \$20,000 is for the monthly substance allowance for dialysis, cancer, multiple sclerosis, post cervical, vascular accidents patients from Tinian and \$6,000 is for the Department of Community and Cultural Affairs for the Tinian Little League 2010 CNMI District Tournament in Tinian. Thank you.

#### HOUSE LOCAL BILL 17-17

**A LOCAL APPROPRIATION BILL FOR AN ACT TO APPROPRIATE NINETY TWO THOUSAND DOLLARS (\$92,000) FROM THE LOCAL LICENSE FEES COLLECTED FOR PACHINKO SLOT MACHINES AND POKER MACHINES IN THE SECOND SENATORIAL DISTRICT; AND FOR OTHER PURPOSES.**

**Introduced by REPRESENTATIVE TRENTON B. CONNER** of Tinian, Precinct VI (*for himself*)

Speaker Froilan C. Tenorio: House Local Bill 17-18, to appropriate \$525,000.00 from the revenues collected pursuant to Saipan Local Law 11-2 as amended for fiscal year 2010 and for other purposes.

#### **HOUSE LOCAL BILL 17-18**

**A LOCAL APPROPRIATION BILL FOR AN ACT TO APPROPRIATE \$525,000.00 FROM THE REVENUES COLLECTED PURSUANT TO SAIPAN LOCAL LAW 11-2 AS AMENDED FOR FISCAL YEAR 2010 AND FOR OTHER PURPOSES.**

**Introduced by REPRESENTATIVE FROILAN C. TENORIO** of Saipan, Precinct I (*for himself and REPRESENTATIVES BASA, IGUEL, RAYMOND PALACIOS, AND OGUMORO*)

Speaker Froilan C. Tenorio: House Local Bill 17-19, Mr. Joseph Palacios, recognized.

Representative Joseph Palacios: Thank you, Mr. Speaker, A Local Appropriation Bill for an Act for the Third Senatorial District to appropriate \$196,379 from the unobligated/lapsed funds and fund balance accounts from completed and closed projects; and for other purposes.

#### **HOUSE LOCAL BILL 17-19**

**A LOCAL APPROPRIATION BILL FOR AN ACT TO APPROPRIATE \$196,379 FROM THE UNOBLIGATED/LAPSED FUNDS AND FUND BALANCE ACCOUNTS FROM COMPLETED AND CLOSED PROJECTS; AND FOR OTHER PURPOSES.**

**Introduced by REPRESENTATIVE JOSEPH M. PALACIOS** of Saipan, Precinct I (*for himself*)

Speaker Froilan C. Tenorio: Next Item, House Legislative Initiatives.

*House Legislative Initiatives: None*

Speaker Froilan C. Tenorio: Introduction of Resolutions.

#### **INTRODUCTION OF RESOLUTIONS**

*House Resolutions:*

Speaker Froilan C. Tenorio: House Resolution 17-11, Mr. Conner, recognized.

Representative Conner: Thank you, Mr. Speaker, House Resolution 17-11, “A House Resolution to encourage the United States Department of Defense and officials of the nation of Japan to consider Tinian as the best location to relocate the Futenma air base currently located on the island of Okinawa”, Mr. Speaker and members of this body just to apprise you of the situation even Palau has offered one of their islands for the relocation of Futenma so it is of an importance and of the essence that we have this resolution and pass in order to provide it to the officials from Japan. Thank you.

#### HOUSE RESOLUTION 17-11

**A HOUSE RESOLUTION TO ENCOURAGE THE UNITED STATES DEPARTMENT OF DEFENSE AND OFFICIALS OF THE NATION OF JAPAN TO CONSIDER TINIAN AS THE BEST LOCATION TO RELOCATE THE FUTENMA AIR BASE CURRENTLY LOCATED ON THE ISLAND OF OKINAWA.**

**Introduced by REPRESENTATIVE FROILAN C. TENORIO** of Saipan, Precinct I  
*(for himself and REPRESENTATIVE CONNER)*

Speaker Froilan C. Tenorio: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker, can I go ahead and ask that you place House Resolution 17-11 on the Resolution Calendar.

*Several members voiced “no objections”.*

Speaker Froilan C. Tenorio: House Joint Resolutions.

*House Joint Resolutions: None*

Speaker Froilan C. Tenorio: House Commemorative Resolutions.

*House Commemorative Resolutions: None*

Representative Dela Cruz: Privilege, Mr. Speaker.

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

Representative Dela Cruz: Thank you, Mr. Speaker, I have a House Resolution if I may introduce. Maybe not act on it today but only to introduce it was prefiled on the 28<sup>th</sup> of this month. If there are no objections from the members.

Floor Leader Camacho: Mr. Speaker, I have no objections, however we do have to vote to amend the agenda in order to include that in today’s session even if it is just for introduction purposes. And with that I so move.

*Representatives Benavente and Cabrera seconded the motion; and being no discussion the motion was carried by voice vote.*

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

Representative Dela Cruz: Mr. Speaker and members, introducing a prefiled House Resolution 17-12 respectfully requesting the Commonwealth Public Utilities Commission (CPUC) to not authorize the Commonwealth Utilities Corporation (CUC) to raise water and waste water rates in the Commonwealth. I ask any member who wishes to co-sign my resolution to do so with the Clerk. Thank you, Mr. Speaker, and from our last session I did summarize what the resolution intends to achieve. Thank you, Mr. Speaker.

*Representative Dela Cruz introduced House Resolution 17-12 which by majority consent of the members was made part of the day's agenda as follows:*

#### HOUSE RESOLUTION 17-12

A HOUSE RESOLUTION TO RESPECTFULLY REQUESTING THE COMMONWEALTH PUBLIC UTILITIES COMMISSION (CPUC) TO NOT AUTHORIZE THE COMMONWEALTH UTILITIES CORPORATION (CUC) TO RAISE WATER AND WASTE WATER RATES IN THE COMMONWEALTH.

Introduced by REPRESENTATIVE FRANCISCO S. DELA CRUZ of Saipan, Precinct III  
(for himself)

Speaker Froilan C. Tenorio: Mr. McGinnis-Torres, recognized.

Representative McGinnis-Torres: Thank you, Mr. Speaker, if the author of House Resolution 17-12 does not mind to make it as the committee of the whole if there is no objection by the author and members.

*There were no objections on the Floor.*

Representative Dela Cruz: I have no objections, Mr. Speaker.

Speaker Froilan C. Tenorio: Next item, House Concurrent Resolutions.

*The Clerk announced that there are none.*

#### MESSAGES FROM THE GOVERNOR

Speaker Froilan C. Tenorio: Messages from the Governor. Clerk.

*The Clerk announced the following communication from the Governor.*

GOV. COMM. 17-80: (4/23/10) **Executive Order 2010-4** – Declaration of a State of Emergency: CUC's Imminent Generation and Other Failure and the need to Provide Immediate Reliable Power, Water and Wastewater Services, *Continuation #21*.

Speaker Froilan C. Tenorio: The floor is open for discussion on this one item from the Governor. Does anybody wishes to say anything?

*Several members voiced "ready".*

Speaker Froilan C. Tenorio: Well, I would like to say something about this.

*Representative Benavente voiced "no objections".*

Speaker Froilan C. Tenorio: Somehow, I would like to refer this matter to the Committee – I guess in this case the Committee on Public Utilities, because I have to say this but it has bothered me for a long time that the Governor has been issuing this Executive Orders declaring "State of Emergency" and I just want to make sure that we are complying with the Constitution. I always thought that a "Declaration of a State of Emergency" is based on natural acts of God. At the same time I would like to know why is it that the Governor has to do this on almost on a monthly basis. I understand for example that one reason for it is that the Governor has to with the State of Emergency is authorized to hire Non-Us citizens to work at the Power Plant and if that is the case then I would like to change our law to allow our retirees from CUC who worked in the generation section of CUC to come back and work and not lose their pensions because I would like to see our people working rather than bringing in people from the outside who under our law are not supposed to be working for the Government. So I would like, Mr. McGinnis-Torres, you are the Chairman of the Public Utilities Committee, would you please look into this please?

Representative McGinnis-Torres: *Daggao ha magi.*

Speaker Froilan C. Tenorio: Okay, so Gov. Comm. 17-80 is referred to the Committee on Public Utilities, Transportation and Communication I would appreciate very much a report in the near future.

Gov. Comm. 17-80: (4/23/10) **Executive Order 2010-4** – Declaration of a State of Emergency: CUC's Imminent Generation and Other Failure and the need to Provide Immediate Reliable Power, Water and Wastewater Services, *Continuation #21*.

**Referred to the Committee on Public Utilities, Transportation & Communications**

## SENATE COMMUNICATIONS

Speaker Froilan C. Tenorio: Item VII, Senate Communications. Clerk.

*The Clerk announced the following communications from the Senate which are informational purposes.*

SEN. COMM. 17-31: (4/23/10) Transmitting a certified copy of S. R. No. 17-13, entitled: "To acknowledge and recognize the Education Development Center in its mission to prevent suicide," which was adopted by the Senate. (For info)

SEN. COMM. 17-32: (4/23/10) Transmitting a certified copy of S. R. No. 17-14, entitled, “Expressing the Senate’s opposition to legislation that would legalize casino gambling on the island of Saipan,” which was adopted by the Senate. (For info)

SEN. COMM. 17-33: (4/23/10) Transmitting a certified copy of S. R. No. 17-17, entitled, “To encourage the United States Department of Defense and officials of the nation of Japan to consider Tinian as the best location to relocate the Futenma Air Base currently located on the island of Okinawa,” which was adopted by the Senate. (For info)

Speaker Froilan C. Tenorio: Does anybody want to comment on any of the Senate Communications? If none, then I would like to say something about Sen. Comm. 17-32, transmitting a certified copy of S. R. No. 17-14, entitled, “Expressing the Senate’s opposition to legislation that would legalize casino gambling on the island of Saipan”, I suspect that the Senators were trying to scare the hell out of you members of this House, because in my opinion once the casino bill goes through the House the Senate will have to approve it they will not have any choice. So what they are doing here is they are trying to scare us from enacting from passing the bill here knowing that once it gets up there they do not have any choice but to approve it, because frankly, I do not know why do they have to pass a resolution we do not care how they feel about it if they do not want to pass it when it gets there then let them reject it. Mr. Cabrera, recognized.

Representative Cabrera: Point of information, you say they have no choice whether to pass it – can you elaborate a little on that. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Let me say this, if we do not pass the casino bill this year or well it has to be this year then this Government will go bankrupt or if it does not go bankrupt then at least for the next two and half years and let me tell you I do not want to be a part of that – for the next two years all this House will be doing is just cutting the budget because the revenues will continue to decline. There are no revenue generating bills that I see in the near future – nothing. Nothing can generate the revenues that we need like a casino does. So I am sorry if I do not want to be Speaker anymore if I have to be the head of this House and we will be laying off government employees – we are going to have to approve austerity measures – some of you thought that one hour a day reduction was too much, well, I am telling you we may have to not only lay off government employees but we may have to require that people will not work every Friday, because there is no money coming in. No matter how much we increase the fees, well, I think if we adjust the rebate rates maybe we can generate the additional revenues that we need, but on the other hand I do not know I hope you people notice when you drive around the island that many stores are being shutdown or employees are getting laid off in the private sector, a lot of vacant buildings just because we do not have anything going on over here. Many of the foreign workers will leave the island and as much as we like them to leave so that our people will work the fact is that these people are earning an income and they are paying taxes and the fact that they are here meaning that they drive around they go to the stores and do a lot of things that generate revenues to the CNMI. So unless somebody has a solution and I hope that it is not from the Federal Government because I do not want the Federal Government to continue to give us money – free money we have to find the revenues ourselves that is our responsibility that is why we are elected to this House to find the solutions to the problems that we are facing. Mr. Benavente, recognized.

Representative Benavente: Thank you, Mr. Speaker, as you were speaking I was looking over the House Rules where it actually provides for that the Presiding Officer may not debate unless asked to do so and then may step down, but I am sure that as it has been done in the past we have allowed the

Speaker to comment and debate so that we do not waste the time having to step down and go back up and so I really do not object to that. I though, beg to differ on your opinion with regards to the Senate Communication on the resolution, which just reminds us or I guess it provides us the information that any casino bill will not be supported in the Senate. I do not believe that it is a threat they cannot issues threats and I think that it is a good reminder as I feel that I would like to remind all of us once again that we have just two and a half years ago when the people of Saipan voted against the casino proposal we are representatives of the people – so no matter how you feel about whether in fact this casino proposal that you have introduced is going to generate the revenues that we need or people that argue against you, the fact is that the people that we represent these are the same people who voted us into office and yes, we do not always have to listen to them, but my gosh on some of the critical decisions that affects their lives in this case there are several other concerns other than revenue because in casino you need to consider the social impact – it is not just an economic impact and the people out there that we represent – the people out there who vote for us to put us in this position has said to us no casino. So let us like leave that alone and let us try to figure out there is other ways to increase revenue and to streamline government services so that we do not have to jeopardize public services that is necessary. The tourism industry where in 1997 during the peak years we were actually the arrivals in the tourism industry alone was almost 800,000 when you look back at the arrivals of tourism – that has gone down to 3,300. Mr. Speaker, if we just prioritize some money for example your proposal which I wanted to do in the very beginning of suspending the rebate and provide those funds to the Marianas Visitors Authority (MVA) so that we can boost our tourism industry that would raise the economy. There are other ways in which we can resolve our financial crisis here on Saipan, and again, as a remainder let us look for those other ways, because the people had spoken and they had said, no, to casino. So let us do what we are voted in this office to do and that is representing our people's wishes. Thank you.

Speaker Froilan C. Tenorio: Vice Speaker, recognized.

Vice Speaker Ogumoro: Thank you, Mr. Speaker, I do not know if this is the time we are supposed to be debating we are just going through the Senate Communications portion of our agenda, but just for the information of the House the Committee on Commerce and Tourism is prepared now to discuss how to dispose of the two bills on legalizing casino in the CNMI pending before that Committee. So I would strongly recommend, Mr. Speaker, that we move along with our agenda for today and let the Committee do its work and come up with a recommendation. I do know at this point that the Committee is positioning itself to conduct public hearings with regards to the bills before that Committee legalizing casino in the CNMI. So let the Committee do its work and we move from there.

*Representative Benavente voiced "ready".*

## HOUSE COMMUNICATIONS

Speaker Froilan C. Tenorio: Item VIII, House Communications. Clerk.

*The Clerk announced the following communications from the House as follows:*

HSE. COMM. 17-29: (4/16/10) From Representative Dela Cruz to the Commonwealth Public Utilities Commission opposing to CUC's petition to increase their water and wastewater rates.

HSE. COMM. 17-30: (4/19/10) Representative Torres submitting a letter from NMI Delegate Gregorio Killili C. Sablan with regards to H. J. R. 16-28 (Downlist Reed Warbler from *endangered* to *threatened* species) which was authored by Rep. Torres.

Speaker Froilan C. Tenorio: Are there any discussions? Item IX, Communications from the Judicial Branch?

### COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

### COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

Speaker Froilan C. Tenorio: Communications from the Departments and Agencies?

*The Clerk announced the following communications from Departments and Agencies as follows:*

DEPT./AGCY. COMM. 17-13: (4/23/10) From Robert A. Schrack, Special Assistant to the Secretary of Finance enclosing the quarterly report ending March 31, 2010, in accordance with PL 16-32, § 401(a).

Speaker Froilan C. Tenorio: Are there any discussions?

*Several members voiced "ready".*

### MISCELLANEOUS COMMUNICATIONS

NONE

### REPORTS OF STANDING COMMITTEES

*The Clerk announced the following Reports of Standing Committees .*

S. C. R. 17-8: Reporting on H. B. 17-38, entitled, "A Bill for an Act to amend 2 CMC Title 2, Division 1 Chapter 3, § 1301 et seq., "The Nuclear and Chemical Free Zone Act of 1983". Your Committee on Public Utilities, Transportation, and Communications recommends that the House pass H. B. 17-38 in its current form.

S. C. R. 17-9: Reporting on H. B. 17-19, entitled, "A Bill for an Act to amend 2 CMC § 4335; and for other purposes." (Natural Disaster Homestead Waiver Act of 2010) Your Committee on Natural Resources recommends that the House pass H. B. 17-19 in its current form.

S. C. R. 17-10: Reporting on S. B. No. 17-4, entitled, "A Bill for an Act to amend 6 CMC 3154 and 3156(1)(3); and for other purposes." (To include video lottery machine in the definition of gambling device) Your Committee on Commerce and Tourism recommends that the House file S. B. No. 17-4.

S. C. R. 17-11: Reporting on H. B. 17-28, entitled, "A Bill for an Act to empower and define the authority, duties, responsibilities and functions of the Marshal Service Division of the CNMI Judicial Branch; and for other purposes." Your Committee on Judiciary and Governmental Operations recommends that the House pass H. B. 17-28 with amendments.

S. C. R. 17-12: Reporting on H. B. 17-29, entitled, “A Bill for an Act to require the Department of Public Lands to fund an independent study to conduct an environmental sampling and consultation of areas within the CNMI possibly contaminated with chemicals of concern; and for other purposes. Your Committee on Health and Welfare recommends that the House pass H. B. 17-29 on First and Final Reading.

S. C. R. 17-13: Reporting on H. B. 17-39, entitled, “To amend 3 CMC Title 3, Division 1, Chapter 3, § 1316 et seq., ‘The Postsecondary Education Act of 1984’.” Your Committee on Education recommends that the House pass H. B. 17-39 in its present form.

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

Floor Leader Camacho: Thank you, Mr. Speaker, as the Clerk pointed out we do have six Standing Committee Reports and the first of this is from your Committee on Public Utilities, Transportation, and Communications, S. C. R. 17-8, reporting on H. B. 17-38, with that I move for its adoption.

*The motion was seconded by several others.*

S. C. R. 17-8: Reporting on H. B. 17-38, entitled, “A Bill for an Act to amend 2 CMC Title 2, Division 1 Chapter 3, § 1301 et seq., “The Nuclear and Chemical Free Zone Act of 1983”. Your Committee on Public Utilities, Transportation, and Communications recommends that the House pass H. B. 17-38 in its current form.

Speaker Froilan C. Tenorio: Are there any discussions?

*There was no discussion; the motion to adopt S. C. R. 17-8 was carried by voice vote.*

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

Floor Leader Camacho: Mr. Speaker, the other report is S. C. R. 17-9, reporting on H. B. 17-19, coming out from your Committee on Natural Resources, and with that I move for its adoption.

The motion was seconded.

S. C. R. 17-9: Reporting on H. B. 17-19, entitled, “A Bill for an Act to amend 2 CMC § 4335; and for other purposes.” (Natural Disaster Homestead Waiver Act of 2010) Your Committee on Natural Resources recommends that the House pass H. B. 17-19 in its current form.

Speaker Froilan C. Tenorio: Discussion on the motion.

*Representative Benavente voiced “ready”.*

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

Representative Tebuteb: Thank you, Mr. Speaker. I do support the legislation, but this is on the Committee Report and I also signed the Committee Report in support of the intent of the legislation. After further review I realized that on part (c) of the findings committee action and amendment on

page 3, of the Committee Report and part of what I realized after further review is the comments received from the different agencies – I was trying to find out documents on the comments submitted by the different Mayors, but I would like to also submit for the record on Public Land, maybe indicate in there the concerns raised by the Department of Public Lands (DPL) in particular on the suggestions for the recommendation on the amendment and the word that the DPL emphasized for the Committee to consider to this measure is in bold letters in the letter submitted by the DPL which the word is “**confused**”. Thank you, Mr. Speaker.

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

Representative Benavente: Thank you, Mr. Speaker, I would just like to point out that I did in the meeting in which the Committee Report was circulated for signature and I would like to show the on the record that I have since signed the Committee Report in support of the Report as well as the legislation. Thank you.

*Floor Leader Camacho voiced “ready”; and the motion to adopt S. C. R. 17-9 was carried by voice vote.*

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

Floor Leader Camacho: Next on the Standing Committee Report, is S. C. R. 17-10, reporting on S. B. 17-4, from your Committee on Commerce and Tourism and I move for its adoption.

*The motion was seconded.*

Speaker Froilan C. Tenorio: Discussion, Mr. Deleon Guerrero, recognized.

Representative Joseph Deleon Guerrero: Thank you, Mr. Speaker and members, I am a member of this Committee that recommended to file S. B. 17-4, I took active part in the discussion and even though the findings is very clear that the Constitution already prohibits gambling in the Commonwealth and that this bill as far as I was concerned was redundant because of that. I want to reconsider my actions and I did sign the Committee Report mainly because this bill was really intended if anything just to clarify. We all know that lottery in the Commonwealth is legal, but what the bill proposes to do is to clarify video lottery that there is a difference between what is legal which is, lottery and video lottery and if that is the intent of the bill I do not see any harm in it. Further, there is a development the Executive Branch I believe to the Department of Finance (DOF) is proposing regulations to allow video lottery in this Third Senatorial District. I believe that is a circumvention of the Constitution for the members information what the Constitution says that all forms of gambling are illegal in the Commonwealth unless described or unless allowed by law authorized by law. But the laws that are in placed were passed instead of allowing what forms of gambling are allowed it further prescribes what forms of gambling are not allowed it is actually a double negative. And what this bill proposes to do is just to clarify that video lottery is not an approved form of gambling in the Commonwealth. And because, as I said it is intended clarify I want to reconsider my support of this Committee Report and if there is no objections I wish to withdraw my signature from the Committee Report and I do support to file S. B. 17-4 at this time.

*There was no objection on the Floor.*

Representative Joseph Deleon Guerrero: Thank you.

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

Representative Benavente: Unlike S. C. Rs 17-8 and 17-9 where if we adopt the Committee Report the reference bill would be referred to the Calendar for our deliberation. S. C. R. 17-10, because of its recommendation to file upon adoption of would automatically kill the reference bill S. B. 17-4, and as was commented by Representative Deleon Guerrero, Mr. Speaker, this legislation I feel is necessary. It is necessary because as we can see in the bill itself under the Findings and Purpose there is currently a pending proposed regulation that would authorize video lottery. Mr. Speaker, I do believe that the intent of allowing and legalizing the lottery here in the Commonwealth is not different to the basic lottery system that we have throughout the Nation and that it is limited to that basic lottery. Trying to circumvent the Constitution this way by proposing this video lottery which really is more like a slot machine rather than a lottery should not be allowed and that is why I believe that S. B. 17-4 is necessary because it seems like the Administration is attempting to circumvent the Constitution and the intent of the lottery law that we have allowed here in the Commonwealth. So I certainly would appreciate the decision by Representative Deleon Guerrero to withdraw his signature and of course the support to file S. B. 17-4 and I would ask that the members reconsider as it is not necessarily as described in the Committee Report as redundant. I feel that this is called for it is necessary to make sure that we do not allow the Administration to circumvent the Constitution. Thank you.

Speaker Froilan C. Tenorio: Point of information, the bill wants to define lottery which is legal already as a gambling device which would make it illegal because gambling is illegal in the CNMI and that is what you want to do, Mr. Benavente?

Representative Benavente: That is a quite a question and let me try my best to answer. The Constitution allows or restricts casino unless authorized by law and we have established certain gambling such as, bingo, cockfighting, lottery as those that have been authorized by law, but again, I go back to my previous statement that the lottery is not an open end casino authorization. It is limited to a lottery system, again, like the lottery systems throughout the Nation – government allot run system. So it is not – you know there is no way that a lottery would allow for a slot machine type machine – you know you get a machine and you call it a machine is a circumvention of the law whether it is the Constitution that restricts gambling or the intent of the legalization of the lottery system in the Commonwealth.

Speaker Froilan C. Tenorio: Thank you, Mr. Benavente. Are there anymore discussions? Alright, let us vote on the motion to adopt the S. C. R. 17-10, which would be to file S. B. 17-10.

*There was a division on the Floor the Speaker called for the roll.*

The Clerk called the Roll for the adoption of S. C. R. 17-10 with the following results:

Representative Ramon S. Basa	yes
Representative Diego T. Benavente	no
Representative Eliceo D. Cabrera	absent (during voting)
Representative George N. Camacho	yes
Representative Trenton B. Conner	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes (with reservations)

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	absent (during voting)
Representative Antonio P. Sablan	yes
Representative Teresita A. Santos	yes
Representative Ramon A. Tebuteb	yes
Speaker Froilan C. Tenorio	absent (excused)
Representative Stanley McGinnis Torres	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ray N. Yumul	yes

Speaker Froilan C. Tenorio: The motion is carried to file S. B. 17-4. Mr. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. Next on the Standing Committee Report, is S. C. R. 17-11, however, I would like to not act on this bill – we will be acting on the Senate version of this bill. So with that I move to S. C. R. 17-12, reporting on H. B. 17-29, from your Committee on Health and Welfare, for its adoption.

*The motion was seconded.*

S. C. R. 17-12: Reporting on H. B. 17-29, entitled, “A Bill for an Act to require the Department of Public Lands to fund an independent study to conduct an environmental sampling and consultation of areas within the CNMI possibly contaminated with chemicals of concern; and for other purposes. Your Committee on Health and Welfare recommends that the House pass H. B. 17-29 on First and Final Reading.

Speaker Froilan C. Tenorio: Discussion. Mr. Benavente, recognized.

Representative Benavente: Mr. Speaker, I will go along with the decision of the Leadership on what to do with the attached legislation, H. B. 17-28, but during the last session my understanding is that it is the same kind of legislation – we received a Senate Communication with the Senate passing what I assume was the same legislation and understanding the process here with all due respect to the Chairman Demapan and the Committee who have done some work, the Senate has in fact passed a bill that is before us the quickest way to get it to the Governor for signature will be for us to just vote on the Senate Bill. In this way if we were to act now on the House Bill under this Committee Report it would require it going back up to the Senate uncertain whether the Senate will hold it because we held their bill.

Floor Leader Camacho: Point of clarification. We are on S. C. R. 17-12, which is on H. B. 17-29. I skipped S. C. R. 17-11, because we will be acting on the Senate version.

Representative Benavente: I apologize. Thank you.

*Several members voiced “ready”; and the motion to adopt S. C. R. 17-12 was carried by voice vote.*

Speaker Froilan C. Tenorio: S. C. R. 17-13, Mr. Floor Leader, recognized.

Floor Leader Camacho: The last on the Committee Reports, is S. C. R. 17-13, reporting on H. B. 17-39, from your Committee on Education, I move for its adoption.

*The motion was seconded.*

S. C. R. 17-13: Reporting on H. B. 17-39, entitled, "To amend 3 CMC Title 3, Division 1, Chapter 3, § 1316 et seq., 'The Postsecondary Education Act of 1984'." Your Committee on Education recommends that the House pass H. B. 17-39 in its present form.

Speaker Froilan C. Tenorio: Discussion.

*Several members voiced "ready"; and the motion to adopt S. C. R. 17-13 was carried by voice vote.*

Speaker Froilan C. Tenorio: Reports on Special Conference Committees.

Representative Dela Cruz: Privilege, Mr. Speaker, before move along to that next item, I wanted to get a brief status on an Initiative that I introduced back in February and that is H. L. I. 17-2, for an elected Attorney General – I feel that it is taking too long in such a Committee and if there is no objections I would like to recall the legislation from the Committee if no action has been taken. Thank you, Mr. Speaker.

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

Representative Demapan: Thank you, Mr. Speaker and Representative Dela Cruz. Just so that you know I sent out comments to a couple of people and to date I have not receive any – if there is no objections, I still would like to entertain that initiative and maybe perhaps we give it a couple of more weeks – days so that hopefully I can get something from the public on that matter. Thank you.

*Representative Dela Cruz voiced "no objections".*

Speaker Froilan C. Tenorio: Mr. Joseph Deleon Guerrero.

Representative Joseph Deleon Guerrero: Thank you, Mr. Speaker. A similar and in line with Representative Dela Cruz's comments the Retirement Fund had held a presentation to both Houses of the Legislature several days ago regarding of the status of the Fund and their proposed Five Point Plan. And on the top of their recommendation was that the Legislature act on the pension obligation bond initiative, which I believe is H. L. I. 17-1, and is currently in the Committee on Ways and Means. Both the Retirement Fund's and the Administration's negotiating team has sent a joint letter to both you, Mr. Speaker, and the Chairman I believe offering one simple amendment. And I wanted to ask the Chairman, I understand that you are busy with the budget and I know that you are holding hearings almost every day, but because timing is of essence here to get it on to the November ballot I wanted to ask the Chairman's indulgence to see if they can act on that initiative – it is just a simple amendment to include and to send it out on to the Floor so that we can pass it on to the Senate. That is all, I am not asking that the legislation be withdrawn from the Committee all I am asking is that perhaps they can expedite the action on that initiative. Thank you.

Representative Basa: I am sorry that particular bill which is referred to my Committee – yes, we have deliberated on the intent of the bill, however, because this bill is so great we are looking at borrowing an enormous amount of money to help the Retirement Fund. We decided that we need more time we need to conduct a public hearing as much as possible because we are talking about obligating the Government \$230 million, but until we conduct a public hearing we will try our best to come up with a report as soon as possible.

Speaker Froilan C. Tenorio: Point of information, Mr. Deleon Guerrero, do you have any idea how much the Government will be paying every year if this...

Representative Joseph Deleon Guerrero: Pension obligation bond is approved?

Speaker Froilan C. Tenorio: Yes.

Representative Joseph Deleon Guerrero: The answer to that is, no, and I do not think anybody does and the reasons for that is because it is largely dependent on our rating ability whatever our rating would be, and two, it would depend on the interest rate, and three, it would depend on the amount that we are going to be floating and all of that has not been decided. Mr. Speaker, and for your information, Mr. Chairman Basa, really all that initiative does is first, we would have to amend the Constitution to allow for the Government borrow it does not borrow by virtue of passing that once we complete that hurdle and the people voted on it and it is allowed then it is up to the Administration it is an option but it is not the only option it is an option that we are looking we want to be able to have that option available – after the people pass it by referendum then the Administration will look at those issues – you know the issue of how much we need to borrow. Do we need to borrow enough to have the Fund funded at a 100% or at 80% or at 75% those are all decisions that will need to be made subsequently, but right now the urgent thing and Mr. Chairman, believe me this issue has been deliberated on extensively with comments from just about everybody – we do not need to reinvent the wheel. You can look back at the prior Committee Reports there were three pension obligation bond initiatives all of which have been debated extensively, so please, if we can look at the record and I believe a lot of the comments there can help the Committee to make the decision. Thank you.

Speaker Froilan C. Tenorio: Thank you, Mr. Deleon Guerrero. Mr. McGinnis-Torres, recognized.

Representative McGinnis-Torres: I humbly request that we go back to the Introduction of Resolutions – for the introduction of a House Joint Resolution.

There was no objection from the Floor and the House went back to Introduction of Resolutions.

## INTRODUCTION OF RESOLUTIONS

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

Floor Leader Camacho: Mr. Speaker, I have no objections moving back on our agenda, I just have a question maybe for the Legal Counsel – do we have to vote again to amend the agenda or should that be included in the original motion?

*LC J. Cool: I recall the extent of the original motion; I believe it was just for the two particular items that were brought up at that time. So there would be a new motion to amend the agenda.*

Floor Leader Camacho: Thank you, John. So with that I would like move that we amend the agenda to include the introduction of a House Joint Resolution.

The motion was seconded by several other; and the motion to amend the day's agenda was carried a voice vote.

Speaker Froilan C. Tenorio: Mr. McGinnis-Torres, recognized.

Representative McGinnis-Torres: Thank you, Mr. Speaker, a numbered House Joint Resolution 17-3, to strongly encourage the National Telecommunications and Information Administration (NTIA) to proceed with due diligence and the unbiased process of awarding American Recovery and Reinvestment Act (ARRA) money in the second round of the Broadband Technology Opportunities Program (BTOP) for the Commonwealth of the Northern Mariana Islands and Guam. Mr. Speaker, I ask the full support from the House that we adopt this House Joint Resolution today so it can go to the Senate for their Wednesday session.

*House Joint Resolution 17-3 was made part of the day's agenda by the majority consent of the members as follows:*

#### H. J. RES. 17-3

**A HOUSE JOINT RESOLUTION TO STRONGLY ENCOURAGE THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA) TO PROCEED WITH DUE DILIGENCE AND THE UNBIASED PROCESS OF AWARDING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) MONEY IN THE SECOND ROUND OF THE BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM (BTOP) FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AND GUAM.**

Introduced by **REP. STANLEY T. MCGINNIS-TORRES** of Saipan, Precinct III (*for himself*, and REPRESENTATIVES CABRERA, BENAVENTE, DELA CRUZ, FREDERICK P. DELEON GUERRERO, SABLAN, BASA, CAMACHO, CONNER, JOSEPH P. DELEON GUERRERO, DEMAPAN, IGUEL, OGUMORO, JOSEPH M. PALACIOS, SANTOS, TEBUTEB, VILLAGOMEZ, and YUMUL)

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

Floor Leader Camacho: Thank you, Mr. Speaker, I move that we move back to Item XIII.

*There were no objections on the Floor.*

#### REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

**UNFINISHED BUSINESS**

NONE

**RESOLUTION CALENDAR**

Speaker Froilan C. Tenorio: Mr. Floor Leader.

Floor Leader Camacho: Before we start action on the resolutions, I would like to make a move to include House Resolution 17-9 and House Resolution 17-10 to place them on the Resolution Calendar for our action today.

*The motion was seconded; and the motion was carried by voice vote.*

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

Floor Leader Camacho: We have four resolutions the first of this is H. Res. 17-7, I move for its adoption.

*The motion was seconded.*

*Introduced by Representative George N. CAMACHO of Saipan, Precinct IV (for himself, Representative McGinnis-Torres) on March 31, 2010. [The House did not receive any public comment on the Resolution during an open and public meeting on March 31, 2010; April 27, 2010 and April 30 2010]*

**H. RES. 17-7**

**A HOUSE RESOLUTION TO AMEND THE OFFICIAL RULES OF  
PROCEDURE OF THE HOUSE OF THE SEVENTEENTH NORTHERN  
MARIANAS COMMONWEALTH LEGISLATURE.**

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

Floor Leader Camacho: I do have a written floor amendment it is on page 1, line 15, to delete the word "Clerks" – that is the only amendment.

The motion was seconded

*The amendment offered by Floor Leader Camacho to H. Res. 17-7 reads:*

**HOUSE RESOLUTION**

**To amend the Official Rules of Procedure of the House of the Seventeenth Northern  
Marianas Commonwealth Legislature.**

WHEREAS, House Rule V section 4 requires an amendment of the House Rules to be by House Resolution; and

WHEREAS, the House of Representatives wishes to amend its rules to permit the Clerk and Legal Counsels to address the Representatives while in session;

**NOW, THEREFORE, BE IT RESOLVED** by the House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature that the House of Representatives hereby amends Rule V, section 4 of its Official Rules of Procedure as follows:

**“RULE V. DECORUM AND DEBATE.**

*Section 4. Recognition.* When a member desires recognition, he/she shall raise his/her hand and address the Speaker. When recognized, he/she shall confine himself/herself to the question under debate and the purpose for which he/she sought recognition. The Speaker shall not recognize a member for the purpose of speaking to a motion for a second time until every member wishing to speak on the question has had an opportunity to be heard. Only members, clerks and legal counsels may address the House while it sits in session except when the House sits as a Committee of the Whole.”

**BE IT FURTHER RESOLVED** that the Speaker of the House of Representatives shall certify, and the House Clerk shall attest to the adoption of this resolution and thereafter the House Clerk shall transmit a certified copy to the members of the House, Seventeenth Northern Marianas Commonwealth Legislature; to the Senate, Seventeenth Northern Marianas Commonwealth Legislature; and to the Honorable Benigno R. Fitial, Governor of the Commonwealth of the Northern Mariana Islands.

Speaker Froilan C. Tenorio: Discussion.

*Several members voiced “ready”; and the motion to adopt the amendment was carried by voice vote.*

Speaker Froilan C. Tenorio: Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, now I would like to move for the adoption of H. Res. 17-7, HD1.

*There was no discussion on the motion to adopt H. Res. 17-7, HD1 was carried by voice vote.*

Speaker Froilan C. Tenorio: Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, I would like to move for the adoption of H. Res. 17-11.

*The motion was seconded.*

*Introduced by Representative Froilan C. TENORIO of Saipan, Precinct 1 (for himself and Representative Conner) on April 30, 2010. [The House did not receive any public comment on the Resolution during an open and public meeting on April 30 2010]*

**H. RES. 17-11**

**A House Resolution to encourage the United States Department of Defense and officials of the nation of Japan to consider Tinian as the best location to relocate the Futenma air base currently located on the island of Okinawa.**

Speaker Froilan C. Tenorio: Discussion. Mr. Conner, tell us why should approve this resolution?

Representative Conner: I will just read it out sir

*Representative Conner read H. Res. 17-11 as follows:*

**House Resolution**

“To encourage the United States Department of Defense and officials of the nation of Japan to consider Tinian as the best location to relocate the Futenma air base currently located on the island of Okinawa.”

WHEREAS, the island of Tinian is part of US Commonwealth of the Northern Mariana Islands; and

WHEREAS, over sixty years ago, the United States of America established a military base on the island of Tinian designed to support more than 40,000 military personnel; and

WHEREAS, when the Northern Mariana Islands chose to become part of the United States of America, two thirds of the island of Tinian was leased to the United States Department of Defense for 100 years in anticipation of the reopening of defense facilities; and

WHEREAS, two thirds of the island of Tinian remains undeveloped and available for use by the United States Department of Defense; and

WHEREAS, the Northern Mariana Islands is an ideal place for military members and their families; and

WHEREAS, the Commonwealth of the Northern Mariana Islands can offer geographical utility to the US Department of Defense in its search for strategic defense capability in Asia Pacific region; and

WHEREAS, the Nation of Japan seeks to divert some of the military presence from the Island of Okinawa, notably the Marine Air Station Futenma; and

WHEREAS, the island of Tinian offers service members and their families access to modern facilities, recreational activities and diversions; and

WHEREAS, the Commonwealth of the Northern Mariana Islands has proven itself a supporter of the United States Military as evidenced by one of the highest rates of enlistment in the United States; and

WHEREAS, representatives from the government of Japan have visited the island of Tinian and observed the willingness of the people to support the relocation of the Futenma Air Station to their island; and

WHEREAS, the Commonwealth of the Northern Mariana Islands expresses our sincere welcome as the destination to relocate the Futenma Air Station; and

**BE IT RESOLVED**, by the House of Representatives, Seventeenth Northern Marianas Commonwealth Legislature, that the House of Representatives hereby commends and recognizes US Department of Defense officials and members of the Japanese Government in their consideration of the CNMI and Tinian as a possible site to relocate the Futenma Air Station as a protective cloak in Asia Pacific region; and

**BE IT FURTHER RESOLVED**, that the House of Representatives states its support for this worthwhile goal; 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 the House Clerk thereafter transmit certified copies to officials of the US Department of Defense, the Japanese Government, the Honorable Benigno R. Fitial, Governor of the Commonwealth of the Northern Mariana Islands; Senator Paul A. Mangloña, President of the Senate.

Representative Conner: Mr. Speaker, I ask the members to wholeheartedly support this resolution and the fact that Palau already passed a resolution asking also for the Futenma relocation to be a possibility and the people of Tinian are looking upon this resolution hopefully the Senate Resolution and the Municipal Resolutions that will convincingly let the Military relocate Futenma Airbase to the island of Tinian so that we would look at potential and possible economic welfare and the possibility of having jobs created along with other economic factors and benefits. Thank you.

Speaker Froilan C. Tenorio: Thank you, Mr. Conner. I understand that you were in that meeting in Tinian when the Delegation came to Tinian to meet with the Mayor and the people. Do you want to tell us something about what happened in that meeting.

Representative Conner: Just for the member's information, yes, Mr. Speaker, I was present at that meeting. The meeting is a fact finding mission by these representatives – there were four representatives that showed up looking at the sincerity and the possibility of whether or not the willingness of the Municipality, especially the people of Tinian are willing to accept the presence of the military. A meeting was conducted, concerns were aired to the representatives – areas of concerns is basically to look at the social impact of the military, environmental impact of the military, the economic impact of the military, the infrastructure impact of the military, there were five areas of concerns. We want to know at first what these impacts might be to the extent that it might affect the island of Tinian, therefore, if Futenma was to be relocated to the island of Tinian then we will prepare ourselves and embrace ourselves for the pending impact if the Futenma relocation was to occur. Hopefully, with this resolution that the House Representatives had showed up to the meeting will have enough support to convince the Japanese Government and to press it to the Federal Government to relocate Futenma. Thank you.

Speaker Froilan C. Tenorio: Thank you, Mr. Conner. For the information of the members a reporter of *Asahi Newspaper* is stationed in Washington, DC has been calling me on a daily basis to find out about the fate of this resolution. Mr. Tebuteb.

Representative Tebuteb: Mr. Speaker, before we vote on it I just have some concerns on the resolution. I guess off the bat my first comment would be – be careful what you ask for. I was a little bit confused on the on-set when you asked the Representative from Tinian, why we should vote for it when you also authored it, but then I understood. My first take would be there may be in some event would require us to consider, but on page 2, line 4, "Whereas" clause, Representative from the Government of Japan – this paragraph correct me if you may, seems to imply that the Japanese Government is in support because of the willingness that they have observed from the people of Tinian. Is that an accurate statement?

Speaker Froilan C. Tenorio: Mr. Conner, do you want to respond to that question?

Representative Conner: With all due respect, Mr. Speaker, since you are the author maybe you have more info than me. (Laughter) Thank you.

Speaker Froilan C. Tenorio: Okay, the Japanese Government or at least the Delegation that came to Tinian just wanted to know whether it was okay for the people of Tinian to have some Marines relocated from Futenma based in Okinawa to Tinian. I guess with that information with an information that they gathered when the Delegation came to Tinian and with the resolution from the Senate and our resolution it would show that it is something that the Japanese negotiators can bring up either discussion with the US Government – I understand that they will be meeting next month in May to amend the agreement that was signed back in 2006 or something like that. And so they just wanted to make sure that it was alright with the people of Tinian for the Marines to move over there before they bring up this matter with the US negotiators. Mr. Conner.

Representative Conner: Thank you. This is just a point of information. Dealing with this resolution, members, just keep in mind that the possibility of Futenma Airbase being relocated is a long shot. With the 2006 accord stating that the Base could be relocated to other regions outside of

Japan or to the island 100 miles Southeast of Japan which is a part of Japan. We are only looking to see if there is a possibility this is not a guarantee nor is it possible probably down the line, but we are kind of like shooting here in the dark hoping that this will occur if not then at least tried our best and to keep in mind also that Palau is also shooting in the dark is trying to get Futenma to be relocated to their region. So we are only taking a very slim chance here of getting that possibility but hopefully we will for the economic purposes and also probably for defensive purposes for a strategic point of view. Thank you.

Speaker Froilan C. Tenorio: I also would like to say that it was just a courtesy on the part of the Japanese Delegation to come and talk to our people on Tinian. The fact is that, if the US Government wants to relocate the Marines to Tinian the US Government does not need our approval because they are already leasing two thirds of the island and they have every right to do whatever they want to do with that property, but I appreciate very much the Japanese coming to check first with us that it is something that they can bring up in their negotiations with the US negotiators. Mr. Deleon Guerrero.

Representative Joseph Deleon Guerrero: I believe Representative Tebuteb still has the Floor, Mr. Speaker.

Speaker Froilan C. Tenorio: Mr. Tebuteb.

Representative Tebuteb: Thank you, Mr. Speaker, you took some of the words right out of my mouth and that is what I am trying to get at – so with respect to page I, line 4, is there other – I understand that the good Representative of Tinian says that there were discussions with the community with the Delegation from the Japanese Government and there is an observed willingness from the people of Tinian – right now there is an ongoing survey in the Northern Islands I am trying to allude to where we are talking about – so only the willingness of Tinian or do you think there is also some willingness that would be required from the people of the CNMI so that we are correct in statement in our resolution.

Speaker Froilan C. Tenorio: Mr. Conner.

Representative Conner: Thank you, Mr. Speaker. I cannot allude to what other factors might occur down the line pertaining to the Federal Government's presence especially for the Department of Defense in regards of pertaining to the Northern Islands. Although, I know for a fact that there is a survey in conducting an environmental impact study on these islands. Basically, I do not know if it is in line with the study as far as the plans for the Defense Department, although, I only know of is that we are trying to make a convincing gesture here that Tinian is willing to accept the relocation of a portion of the Marines from Futenma that is from my understanding. I cannot jump to conclusion in regards to the Northern Islands portion. Thank you.

Speaker Froilan C. Tenorio: Vice Speaker.

Vice Speaker Ogunoro: I think we should limit discussion and just stay with Tinian. And the resolution is about Tinian. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Mr. Deleon Guerrero.

Representative Joseph Deleon Guerrero: Thank you. I support any recommendation by our sister islands from what they feel is good for their islands. However, Representative Tebuteb did say that we should be careful what we ask for I think there is something to that comment and even though if this thing pulls through – if the US does agree to put it on Tinian they have every right to do so – there is a certain amount of caution that we should exercise if that were to be the case because this would not necessarily only to Tinian – an Airbase on Tinian means helicopters and jets flying through our airspace of not just Tinian but Saipan perhaps Rota. And I believe, Mr. Speaker, I have heard from people from Okinawa that the reason that the people of Okinawa want this Airbase out is because they are concern about how it is affecting their tourism economy – they are moving towards tourism as their primary source for their economic base and helicopters and military exercises flying overhead when you have tourists coming in is not very conducive to your economy it is actually a conflict it does not go well with each other and that is something we may want to consider. We still have tourism as our industry here and we have not even begun to look at the effects of how helicopters and military maneuvers could affect our tourism economy. I think Okinawa will be a good case in point because they have experienced it and maybe we should consider that. And I am not going to weigh heavily on this right now if it is a long shot I am going to go ahead and support for now but if it does go through there are certainly real potential adverse effects that could occur should this thing pull through – it is not just going to affect the island of Tinian. Thank you.

Speaker Froilan C. Tenorio: Mr. Raymond Palacios.

Representative Raymond Palacios: Yes, it is very true what Representatives Tebuteb and Deleon Guerrero it would definitely and surely affect both affect Rota and Tinian and just to share what information regarding the tourists. There is a jet ski business owner that informed me if I could talk to the Marianas Visitor's Authority because the alarm at the Marianas High School sounded the tourist are kind of worried or concerned of what is going on. So this is just to share Representative Deleon Guerrero's concern that the noise itself can really affect the tourists here in the Commonwealth. Thank you.

Speaker Froilan C. Tenorio: Mr. Tebuteb.

Representative Tebuteb: I disagree with the Vice Speaker's statement that we should limit this Tinian because on line 7, of page 1, which reads:

“WHEREAS, the Commonwealth of the Northern Mariana Islands expresses our sincere welcome as the destination to relocate the Futenma Air Station; and”

And Representative Deleon Guerrero is correct, do we have any information that is why I am asking during the opening of my statement, any impacts of the economics of this resolution versus the social consideration that we must know before we vote our conscience. On page 1, line 3, reads:

“WHEREAS, over sixty years ago, the United States of America established a military base on the island of Tinian designed to support more than 40,000 military personnel; and”

Is this statement still correct on the 40,000 personnel.

Speaker Froilan C. Tenorio: That was during the war.

Representative Tebuteb: Yes, but I am asking, is this statement of the support of the 40,000 military personnel that we are asking – at the same time we are saying that whatever we say if the military wants to come in they would come in with or without this resolution.

Speaker Froilan C. Tenorio: Mr. Tebuteb, the point there is that the island was able to accommodate 40,000 military personnel at time so a mere 3,000 Marines would not have a major impact, which they are talking about relocating about 3,000 Marines to the island of Tinian.

Representative Tebuteb: Major impact sometimes is defined in different ways. I do not know how we would define major.

Speaker Froilan C. Tenorio: Mr. Conner.

Representative Conner: Point of information, just to enlighten the members here the representatives from Japan did ask the Mayor how much was the Municipality of Tinian willing to accommodate in the number of personnel that could be relocated and the Mayor had reiterated that what Futenma understanding it is the 4,000 Marines. So anything beyond that the representative said he would let the members know that Tinian is really to accommodate only 4,000 Marines. So that is the understanding at the moment.

Speaker Froilan C. Tenorio: Mr. Sablan.

Representative Sablan: Thank you, Mr. Speaker. I think we got to look at the history of the military installation in Japan and where this relocation is heading and I think the *Press* has put out enough information in the past was recently regards to the sentiments of some communities in Japan and Okinawa where those military bases are situated and I hope that this resolution is not going to be used as a pawn or buy a certain element of the Japanese political entity. I do not think anybody here is going to say that the Delegation that came over here is speaking for the majority of the Japanese legislators when they come over here and visited the island of Tinian. We have to think that – that particular Delegation might be a part of the faction of the Japanese political entity that wants the military bases completely removed from their jurisdiction and not be relocated from Futenma that is situated right now to another location the designated relocation that – I guess that has been negotiated between the US Military and the Japanese Government is an island 100 miles – whatever from where it is at right now. And the way I look at it this particular Delegation that was here is probably I do not know whether if they recommended or requested for a resolution from CNMI Government to use as a tool in their ongoing negotiation with the US Military in the ultimate relocation of the airbase and here we are arguing on the impact on airspace and all that – we had a presentation from the CNMI Military Taskforce a few months back where a lot of concerns in regards to the draft impact statement study are still not resolved I mean we have not yet seen the final – but going back to your statement earlier and I fully agree with you that with or without this resolution if the US Department of Defense makes a decision to relocate to Tinian they will. I am just concern that we allow a certain faction from the Japanese Legislature to come over here and tell us that we need to do this for their benefit. And that is just my concern, that I see this as something that is not necessary, I think we should be concerned that we are not being used as a pawn in their current negotiations regarding the ultimate relocation of the airbase. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Okay. *Nanga ya bai hu oppe enao. Fine'nina nu kontodu i Gobietno guaha pusisiõña guini na issue nai. It is just that the Governor was talking to a different faction of*

*the Majority Coalition in Japan – kontodu i Gobietno ha supopotta i relocation of Marines to Tinian, number one. Number two, i komprende'ko i Tinian Municipal Council as well as i Senate esta ma passa lokkue' iyoña resolution - their own resolution. Anai hu atende iyo na meeting giya Tinian ya si Senator Jude man mattinas suggestion na para u fan introdusi Senate Joint Resolution, alright. Pues hu na'nanga i iyoña si Senator Hofschneider iyo ha hu tungo na esta ha introdusi, a Senate Resolution pues iyo na hu espiha empeñu na para ta na guaha lokkue iyo ta resolution i House ha, sa ha talaika i hinasoña si Senator Hofschneider na para i Senate Joint Resolution, ya hu annoku na para guiya u introdusi yan matto magi guini para ta suppota ha. Ta tungo ha nai na ti binding esti na resolution, it does not mean anything except you know, I hope that we pass it ya u ma tungo ni i Japanese Government na ta supopotta. Nu esti gui ma estototba yo, i mayoria gi iyo ta tourists ginen Japan yan sen siha nu man mattai hit guini, despues nu pago sa man mafafaisen hit ko siña para ta na tungo ha i sinienteta na you know, siña ta ayuda siha yangin ma relocate i Marines guatto giya Tinian nu pago para ta sangani i Japanese dispensa nu munga hit man involve guenao. Kumo ti ma apreba i casino pues siempre ta na nisisita i revenue ni po man na hanlom i militat giya Tinian sa siempre esta taya i salapeta nai. Pues anyway taya esti para ha ta na tungo i Japanese na ti ha estotba hit yangin i Amerikanu ha transfer guatto nu tres mit na marines giya Tinian na maolek ha para hita sa after all, iyo gui na ma lease iyo i tano – nu para iyo-miyo information, yangin ti lachi yo, fa na'an nu ma lease i tano for less than three cents (\$.3) a square meter ni i federat – pues taya economic impact para i CNMI Government all this time nai – pues yangin humalom i militat gui yan, I would like to think na pot i man Amerikanu hit nu dibidi ta fabot enao i para ta fan involve guini gi national defense siempre en ayuda ti Tinian ha na ha ayuda ha todú i entire CNMI. Mr. Sablan.*

Representative Sablan: Just to clarify my position – the concerns that I raised I think some of the issues that we would be facing in the future or whoever the future Legislature would be when the relocation actually happens with the military regards to the impact on the community I am not saying that I am not going to support the resolution to our colleague from Tinian I am going to vote for this, my son is in the military, I understand the impact that it can bring to our economy you see the little Troop store down here in Puerto Rico and what it brings to the community but before we vote for the record I just wanted to point out that there are a lot of things that we need to deal with in regards to if it does happen like you say, there is no guarantees it is not binding, but I think we should start looking at the overall picture when we start considering issues like this and not just that “oh it is good” but like with our experience in the past twenty – thirty years has been when the issue comes in front of the Legislature we say “oh its good for the CNMI” that is what happened with the foreign labor and see where it got us – keep importing because it is good for us it is good business. It happened with the garment industry we said “oh let it come in and do all that – you know its going to bring all these revenue” we just I guess forget to look far ahead into the years to see where it is going to bring us – now, we are stuck with remanence of the garment industry that are continuing on a daily basis to be an eyesore and you know it was good but just take a look and see where we are at. To my colleague from Tinian, I am sure that he is speaking for majority of the residents of Tinian and I am sure it is not just going to be Tinian it is going to spill over to the rest of the CNMI, but when I pick up the newspaper and I read that a study for the Northern Islands is being conducted and being funded by the US Navy like where is all of this coming from and they took away a couple of the Northern Islands and to say we are helpless there is nothing we can do about it and I keep going back to the Covenant and you know I keep saying where in the heck did give anybody the authorization to take the Northern Islands. I looked in the Covenant we saw there the lease provisions for Tinian and all the other areas around the seaport and all that but I never saw the couple of Northern Islands that we supposed to had given away that is just a personal opinion – I guess you know stinks sometimes it looks too good and the old saying is that if it looks too good to

be true sometimes it is not. And our experiences with a couple of policies or decisions that we played in the past had mentioned the garment industry as an example and I am sure when the Military comes in I guess I am just concerned that by then we would have given away too much control to say that we got this much of self-government – I guess that is just a concern. Thank you.

Speaker Froilan C. Tenorio: Thank you, Mr. Sablan. Mr. Raymond Palacios.

Representative Raymond Palacios: I am still going to support this resolution but considering that the plan is our number one tourism market just imagine there surprise if they elect to come to the CNMI to spend their vacation only to see the same group that they are relieved in relocating – you know it is kind of funny that they would be so happy that this groups are out and then to come here and see the same group I am concern next time they might tell their families or friends this that you know what if you do not want to see those groups do not go to the CNMI – I mean it is just so funny to be in this situation where we are going to be receiving these people that that they are finally so relieved to get rid-off. But because of the economic hardship that we are experiencing I think it would be good because it will generate some revenues for us and I will vote for it and support this resolution. Thank you.

Speaker Froilan C. Tenorio: Thank you, Mr. Raymond Palacios. Mr. Joseph Palacios.

Representative Joseph Palacios: Thank you, Mr. Speaker, back in February there was a representative from the Governor's Office that did a presentation to the members of the Legislature regarding the movement of the Military here to the CNMI, because the Military personnel or the leaders that makes decisions on the movement out here in the Commonwealth were here during the Sixteenth Legislature they did a presentation I was wondering if we maybe do something that we call the same groups and do a presentation to this Seventeenth Legislature because half of us do not know here do not know what is going on as to the presentation that took place last year and was presented then to the Sixteenth Legislature. I was wondering if we could do the same since we are going to be here for the next three years so to say and honestly I am lost on the subject and it could be beneficial for everyone of us here if the same group of officers that came out here and do the same presentation for us here so that we can be avail to all the good information that was relayed to – to the Sixteenth Legislature. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Thank you, Mr. Palacios. Mr. Tebuteb.

Representative Tebuteb: This is my last statement, Mr. Speaker thank you. You had mentioned that the Administration the Governor supports the movement of the Futenma, but necessarily the Military – I would appreciate if we can see that document because all I saw on, I believe, from the Administration, the Governor in particular, is that it will be up to the US Department of Defense but not necessarily publicly stating that he is in full support of the movement of the Military to Tinian. Thank you.

Speaker Froilan C. Tenorio: Mr. Joseph Deleon Guerrero.

Representative Joseph Deleon Guerrero: For the last time, thank you. Mr. Speaker, I raised my comments earlier to kind of make us all more aware of our actions – too many times we up in the hill are guided by the economic benefits to often and anything where they say there is an economic gain is good for us let us support we always do that. Unfortunately, we do not always look at how each activity will affect each other – we do not look at it comprehensively, and we do not look at the

context of how these industries that affect each other. And all I am trying to do is raise an awareness that in this case if that is our intent is for military economy well then that should be the direction we should take. What is going to be happening on Tinian with the Military relocation to Guam is not such a big effect to our tourism industry here in the CNMI – why, they are proposing only soft bases over there they are not proposing permanent military presence on Tinian so what will be happening is that they will be going over there for exercises periodically and I do not think that would in any way adversely affect the tourists economy here. This on the other hand I think is a little bit different and I can tell you based on Okinawa's experienced that the two types of industries do not co-exist well together – they do not and that is why Okinawa has made a decision that they are going to concentrate on their tourism – it is a healthier industry it is a clean industry with very little adverse social effects and I am saying we have not even weighed what those affects will do to us. So here we are deciding and saying yes, we want it, at the same time we want tourism and who knows what else is coming up we want it too. But we should always think ahead and see if they could coexist well – if yes, then fine, but the potential I see, is that it could conflict one or the other is going to give – either tourism is going to call fall because of it or I do not know how the military could be affected by tourism – I think not, but there that potential and all I am saying is that we take those into consideration when we make decision think about how those decisions how going to affect us in the future. That is all I have to say. Thank you.

Speaker Froilan C. Tenorio: Thank you, Mr. DeLeon Guerrero. Mr. Benavente.

Representative Benavente: Thank you, Mr. Speaker. I realized that it is way past lunch and I will try to make this quick. I also, want to say first, that do not like disagreeing my good colleague, Representative Guerrero, because over the years we have actually agreed on many issues, but would disagree with him this time, because even as go back and we started hearing the propose Marine movement to the base on Guam there were some of us including myself that were disappointed that not enough was being done as an expansion on Tinian because as we all know we need this Military economy and as far as the opportunity for the Military and the Tourism Industry to coexist it is right there in Guam it is successful. As a matter of fact over the years when the Tourism Industry started decline and affected the CNMI it affected us in a bad way because we were seeing the Garment Industry go down and the Tourism Industry going down but it did not affect Guam, and though the Tourism Industry was going down because they had the military economy that subsidized the overall economy on Guam – it coexist very well. I mean Guam continues to be one of the best destinations in region partly because they do invest and spend money on the industry but it can and with the Garment Industry gone and because have decided that they do not want to deal with the casino proposal this is other ways in which we can do something about our economy. Let us support the military base in Tinian let us bring in the military economy as we see Guam benefiting from this same military economy. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Thank you, Mr. Benavente. Mr. Demapan.

Representative Demapan: Thank you, Mr. Speaker, a lot of good points has been mentioned and a lot of words has been said on this piece of resolution I would like to make a motion to end debate and act on the legislation to approve or disapprove.

The motion was seconded by several others; and the motion was carried by voice vote.

*Several members voiced "ready"; and the motion to adopt H. Res. 17-11 was carried by voice vote.*

Speaker Froilan C. Tenorio: Thank you very much, members, on behalf of the people of Tinian. Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, we do still have a lot of stuff on our Calendar but it is past our lunch time and I believe staff are hungry – I would like to move to recess and come back at two thirty.

Speaker Froilan C. Tenorio: Vice Speaker.

Vice Speaker Ogunoro: In terms of recessing and coming back at two thirty there is a very important meeting happening at two o'clock the presentation of the report by Mr. Babauta of the Interior Department and I would like to be present for that meeting – so if we can move for a later time I strongly recommend. Before we entertain that motion to recess, Mr. Speaker, of the bill that was returned by the Senate it is appropriate for me to bring it up – have you officially referred that to the Committee that needs to work on the austerity bill? Is that to be referred today so that we can make the necessary referral before we recess?

Speaker Froilan C. Tenorio: Mr. Tebuteb.

Representative Tebuteb: This is not in line of...

Vice Speaker Ogunoro: We are under the item of determining whether we should recess – what time to come back after we recess. But I need to be clear if you can please make it clear to us if you have already referred the austerity bill that was returned by the Senate of the appropriate Committee or you need to refer that so that we can do that action before we go for recess.

Speaker Froilan C. Tenorio: Well, Vice Speaker, there is a more important bill that Governor has asked us to consider – Senate Bill 17-18. Are any of you attending this meeting with Mr. Babauta? Mr. Benavente.

Representative Benavente: Mr. Speaker, I understand the presentation of the report that is due to the US Congress with regards to the status of the long-term non-resident workers and I would suggest that all of us attend this presentation, but given the requirements of the OGA and the need for us to continue our session to tackle some of these legislations I would like to suggest that we attend the meeting and immediately after that presentation we come in and we continue with our session because I do not know what the OGA would require for the next session.

Speaker Froilan C. Tenorio: Vice Speaker.

Vice Speaker Ogunoro: Mr. Speaker, I understand that the meeting is going to begin at two o'clock between the Governor and Mr. Babauta, so I do not know how long that meeting is going to run.

Speaker Froilan C. Tenorio: Somebody told me the meeting is going to start at 1:30 PM. Mr. Basa.

Representative Basa: Yes, Mr. Speaker, I just remember that at 1:30 we also have a budget hearing with DPS – so if we were to recess my Committee needs to be excused for the budget hearing – knowing that the average that we have conducted with a number of Departments it could last from

two to three hours. So just to be safe if we were to recess I am asking if we can have it next week and not today.

Speaker Froilan C. Tenorio: Mr. Floor Leader.

Floor Leader Camacho: Can we call for a short recess.

Speaker Froilan C. Tenorio: Short recess.

*The House recessed at 1:15 p.m.*

**RECESS**

*The House reconvened at 3:53 p.m.*

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

Floor Leader Camacho: Thank you, Mr. Speaker, I believe before we went to recess we were under Resolution Calendar, we still have a couple of more resolutions for our action. First is H. Res. 17-9 – the Mount Carmel Mock Trial resolution and with that I move for its adoption.

The motion was seconded.

*Introduced by Representative Diego T. BENAVENTE of Saipan, Precinct 1 (for himself and Representatives Basa, Benavente, Cabrera, Conner, Dela Cruz, Frederick P. Deleon Guerrero, Joseph P. Deleon Guerrero, Demapan, Iguel, Ogumoro, Joseph M. Palacios, Raymond D. Palacios, Sablan, Tebuteb, Tenorio, Stanley McGinnis Torres, Villagomez, and Yumul ) on April 30, 2010. [The House did not receive any public comment on the Resolution during an open and public meeting on April 30 2010]*

#### **H. RES. 17-9**

**A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE MOUNT CARMEL HIGH SCHOOL MOCK TRIAL PARTICIPANTS IN THEIR TRIUMPHANT VICTORY AT THE COMMONWEALTH-WIDE 2010 MOCK TRIAL COMPETITION HELD AT THE GUMA HUSTICIA ON FEBRUARY 26-27, 2010.**

Speaker Froilan C. Tenorio: Discussion.

*Several members voiced "ready"; and motion to adopt H. Res. 17-9 was carried by voice vote.*

Speaker Froilan C. Tenorio: Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. Next is H. Res. 17-10, the Saipan Southern High School Band resolution with that I move for its adoption.

The motion was seconded.

*Introduced by Representative George N. CAMACHO of Saipan, Precinct IV (for himself and Representatives Basa, Benavente, Cabrera, Conner, Dela Cruz, Frederick P. Deleon Guerrero, Joseph P. Deleon Guerrero, Demapan, Iguel, Ogumoro, Joseph M. Palacios, Raymond D. Palacios, Sablan, Tebuteb, Tenorio, Stanley McGinnis Torres, Villagomez, and Yumul) on April 30, 2010. [The House did not receive any public comment on the Resolution during an open and public meeting on April 30 2010]*

#### H. RES. 17-9

**A HOUSE RESOLUTION TO COMMEND AND CONGRATULATE THE SAIPAN SOUTHERN HIGH SCHOOL MANTA RAY BAND FOR THEIR MANY ACHIEVEMENTS AND OUTSTANDING PERFORMANCE AT THE NEW YORK INTERNATIONAL MUSIC FESTIVAL.**

Speaker Froilan C. Tenorio: Discussion.

*Several members voiced "ready"; and the motion to adopt H. Res. 17-10 was carried by voice vote.*

Speaker Froilan C. Tenorio: Bill Calendar. Mr. Floor Leader.

#### BILL CALENDAR

Floor Leader Camacho: Thank you, Mr. Speaker. Before we start action on our Bill Calendar I would like to make a motion to place S. B. 17-16, this is the Court Marshal firearm for our action today.

The motion was seconded

#### S. B. 17-16

**TO EMPOWER AND DEFINE THE AUTHORITY, DUTIES, RESPONSIBILITIES, AND FUNCTIONS OF THE MARSHALS SERVICE DIVISION OF THE CNMI JUDICIAL BRANCH; AND FOR OTHER PURPOSES. [SEN. COMM. 17-29]**

Speaker Froilan C. Tenorio: Is that for first and final?

Floor Leader Camacho: The motion is for placement on the Bill Calendar.

Speaker Froilan C. Tenorio: Okay, alright. Discussion. Mr. Benavente.

Representative Benavente: Just for clarification, has this bill been referred to the Committee?

Speaker Froilan C. Tenorio: No.

Representative Benavente: Thank you, I yield at this time.

*Several members voiced "ready"; the motion for placement was carried by voice vote.*

Speaker Froilan C. Tenorio: It is placed on the Bill Calendar. Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. Mr. McGinnis-Torres.

Representative McGinnis-Torres: Mr. Speaker, why place are we placing this bill on the Calendar there is our House Bill 17-28 is already on the Calendar for final action.

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

Representative Demapan: Yes, Mr. Speaker.

Representative McGinnis-Torres: Mr. Speaker, I withdraw what I just stated.

Speaker Froilan C. Tenorio: Thank you, Mr. McGinnis-Torres. Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, before we start action on the bills just so that we cover our basis I would like to make a motion to suspend Rule 8, Section 9, and Rule 9, Section 9 and 10 so that we may pass these bills on First and Final Reading.

*The motion was seconded; several members voiced "ready"; and the motion to suspend Rule 8, Section 9 and Rule 9, Section 9 and 10 was carried by voice vote.*

Speaker Froilan C. Tenorio: Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, I would like to move for the passage of S. B. 17-18 on First and Final Reading.

The motion was seconded.

### S. B. 17-18

**A BILL FOR AN ACT TO AMEND SUBSECTION (D) OF SECTION 8122 OF TITLE FOUR OF THE COMMONWEALTH CODE TO MERELY CLARIFY AN AMBIGUITY REGARDING THE COMMONWEALTH UTILITIES CORPORATION'S AUTHORITY TO SET RATES UNTIL SUCH TIME AS THE PUBLIC UTILITIES COMMISSION SHALL ISSUE AN ORDER SETTING RATES, FEES, CHARGES OR RENTS FOR A UTILITY SERVICE; AND FOR OTHER PURPOSES. [SEN. COMM. 17-30]**

Speaker Froilan C. Tenorio: Discussion. Mr. Yumul.

Representative Yumul: Thank you, Mr. Speaker, Senate Bill 17-18, which purports to retroactively apply the rates for CUC is very difficult to add it at this for myself, namely because, for one thing Representative McGinnis-Torres who took CUC to Court for lawful reason which is basically that CUC charged rates to their customers and in doing so had violated the law he successfully brought the case up to the Supreme Court and won and then now here we are trying to retroactively close the gap. I do understand that presently there are pending lawsuits that have followed since Representative Torres' suit and are now pending in Court. And I am curious to see if any one of us has even attempted to contact any of these people to see if this is the right thing or are we just going

to pull the rug from under them. You know these are people from the community that are following the law, paid their payments for their utilities according to the law then are now exercising the right under the Constitution to take CUC to Court and then here we are trying to pull the rug from under – so I would like to know from anyone in this Legislature how do we approach this.

Speaker Froilan C. Tenorio: Mr. Benavente.

Representative Benavente: Thank you, Mr. Speaker, I am going to try to respond to the question asked, but if I may be allowed to comment on the bill. I believe that this would be in order primarily because if we do not then and with all due respect to Representative Torres who is successful in his lawsuit – CUC does not have some money in the bank to take care of this problem whatever is mandated by the Court or by any past billings would have to be passed onto the consumers – in the end whatever CUC pays out in these lawsuits could only be again, we as the utility users and that is everyone of us in our community would have to pay for this. And I think that is why this is necessary, because I do not think that while the Courts may made a decision – Representative Torres is correct that they did not have the authority at the time they need to establish that rate or else we would have a problem or we will not have water or utilities, CUC will not be able to continue to function. So there was a need to do this and again with all due respect with the Courts decision with Representative Torres' efforts if we do not act on this then we are going to end up seeing a higher utility rate for the purposes of paying for these certain individuals who are successful in the lawsuit, but for those who did not file a lawsuit would had have to pay for that. I think it is really a fairness issue and although they had made a mistake I think this is a necessary thing to do. Thank you.

Speaker Froilan C. Tenorio: Thank you. Mr. Yumul.

Representative Yumul: Thank you. Those are good comments that had come from Representative Benavente, but over the years this legislative body has always appropriated from the pockets of our very own taxpayers to put up utility poles, to lay sewer lines, to lay water lines, and we have done more than what is usually required of a legislative body for utility company and then here we are trying to circumvent a legal process that the community themselves have decided that they wanted to take this issue to Court also. I was one of the authors of these Public Laws and co-authored Public Law 15-35 and Public 15-40 I know back then and I still know today that I have no doubts in my mind that when I authored and co-authored these bills it was always looking forward and that it was never to go backwards. And that is stated on Page 1, line 4, where it says, there is intent by this legislative body that rates should be applied retroactively. I want to put it on the record that I had not thought that and I knew what I was speaking of when I authored this bill. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: Yes, I have a question a point of information – does anybody know the effect if we do not approve this, is CUC will increase the rates is that it? Mr. Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. I guess to clarify matters we need to understand that CUC cannot raise rates unilaterally they would have to apply with the Public Utilities Commission. The Public Utilities Commission can either grant or deny that request. This is in line also, with the resolution that was introduced this morning on the water and wastewater rates. So as I have said, CUC cannot unilaterally make increases until such time that they submit a petition to the Public Utilities Commission.

Speaker Froilan C. Tenorio: So what is the purpose of this bill?

Representative Dela Cruz: You know it appears that it has something to do with retroactive the authority to set the rates and I am one that I thought that this would first go to the Committee on PUTC here so that we may look at the merits of the bill, but to be frank with you, I am not really too clear as to the intent of S.B. 17-18, whether this gives CUC the authority to set rates unilaterally by having the Legislature put this into legislation and having it pass into law – I am not really sure, Mr. Speaker and members, but if that is the intent to have CUC set its own rates then this is another thing that we should oppose and I hope that this Senate legislation can be referred to the Committee on Public Utilities here in the House.

Speaker Froilan C. Tenorio: Mr. Benavente.

Representative Benavente: Thank you, Mr. Speaker, I do not disagree with Representative Dela Cruz I do not think at this point any proposed increase in the rates would have to be approved by PUC. The question though is, what will happen if we do not pass this bill. If we go back prior – even prior to 2006, Mr. Speaker, and we remember the increases in fuel cost and the subsidies in the tens I would say millions of dollars of subsidies that even during the Babauta-Benavente Administration and then the Fitial Administration continued after that in order for CUC to continue to provide utilities to this community it was necessary to do so because of the continued increase in fuel cost at the time and that is why when CUC felt it necessary to increase the rate based on what it needs to continue to provide this utility service that is when it was necessary. And the Courts decision recently based on the lawsuit filed by Representative Torres' was that it was illegal. And so at this time people can and actually have been suing to recover from those charges based on the new rates that the Courts has decided they did not have the authority to do. And again because CUC is a public utilities it is a Government agency it does not have an account in the bank to where it just takes these money and pays you know our insurance that actually pays for this mistakes. And CUC has to somehow come up with the funding to pay for these lawsuits – and that funding the only fund or revenue source that CUC has is either a subsidy from the CNMI Government or the utility payments that it collects from this community. And so if we do not do not stop the lawsuit we will end up having to pay this and yes, if they are - I am sure that they can easily justify to PUC that based on this revenue that they are receiving now an based on the need to pay these lawsuits they are going to have to increase the rates and I would think that PUC would agree to increasing the rates. Once again, because you cannot just say no and say everything is fine – if we say no then what do we stand to lose – do we stand to see CUC shutdown because they cannot afford to buy fuel for its operations – that is what is going to happen here and I still feel that in the end it would be the community who pays for utilities that is going to end up paying for this and the unfairness in this situation is that if you are a customer who has paid for this so-called illegal increase and you have left the island and you do not sue you do not take part in collecting this illegal fee – illegal increase then basically it is not fair that not everybody is going end up receiving those difference that was successful in the lawsuit. Again, I feel that this is something that is the fair thing to do and it is a necessary thing to do. Thank you.

Speaker Froilan C. Tenorio: Just a point of information, do I understand correctly that this bill was requested by the Administration? Okay. Vice Speaker.

Vice Speaker Ogomoro: Well, that is what I was going to mention that perhaps if we have other matters to entertain in the meantime we need to make connect or find out the urgency of acting on this measure because it looks like some of us are not fully aware as to the intent of this bill. But I do know also that they had wanted us to act on it in this session.

Speaker Froilan C. Tenorio: That is my understanding that the Administration wants us to act on this today.

Vice Speaker Ogumoro: Can we call for a recess?

Speaker Froilan C. Tenorio: And do what?

Vice Speaker Ogumoro: Just to maybe ask the Administration if they are aware of what is the rationale for this.

Speaker Froilan C. Tenorio: Mr. Floor Leader.

Floor Leader Camacho: We have Nace, from the Office of the Governor that he can bring over the Legal Counsel from the Administration – if we can just give him five minutes and we can either move to a short recess or move on to our Calendar while we wait.

Vice Speaker Ogumoro: I suggest that we just move on with our Calendar, Mr. Speaker, while we get to wait for the Governor's Legal Counsel.

Speaker Froilan C. Tenorio: Floor Leader, is there any reason why we bypassed the House Bills and went on to Senate Bills? Can we go back to consider the House Bills?

Floor Leader Camacho: It was the first one appearing on my Calendar. And if you are wondering about the H. B. 17-26, we are not entertaining that today and also H. B. 17-28, which is the Marshal because we are entertaining the Senate version.

Speaker Froilan C. Tenorio: Why are we not entertaining H. B. 17-26?

Floor Leader Camacho: There is questions on the exact figures and we would like to receive more comments from especially the Saipan Chamber Commerce.

Speaker Froilan C. Tenorio: Mr. Iguel, is that okay with you?

Representative Iguel: Yes, Mr. Speaker, no problem. I think we need to listen to the Chamber of Commerce because they are the one who are controlling the businesses here.

Speaker Froilan C. Tenorio: Alright, so let us move on, Mr. Floor Leader.

Floor Leader Camacho: Right now, I withdraw the motion for the passage of S. B. 17-18 and while we are on the Senate Bills let us finish up – I move to pass S. B. 17-16, Court Marshal, on First and Final Reading.

There were no objections on the Floor to withdraw the passage motion for S. B. 17-18.

The motion was seconded on the motion for passage of S. B. 17-16

**S. B. 17-16**

**A BILL FOR AN ACT TO EMPOWER AND DEFINE THE AUTHORITY, DUTIES, RESPONSIBILITIES AND FUNCTIONS OF THE MARSHALS SERVICE DIVISION OF THE CNMI JUDICIAL BRANCH; AND FOR OTHER PURPOSES. [SEN. COMM. 17-29]**

Speaker Froilan C. Tenorio: Discussion. Mr. Demapan.

Representative Demapan: Thank you, Mr. Speaker. House Bill 17-28, was introduced by myself, and the Committee is done with that bill, however, maybe I might get kicked by the other members from the JGO Committee for not entertaining the House version, however, before we act on S. B. 17-16, I would like to make some amendments, Mr. Speaker.

Speaker Froilan C. Tenorio: Please, continue, Mr. Demapan.

Representative Demapan: If you go page 2, line 13, revised Section 2, the new Chapter 9, §3901 (d) by adding the following to read as follows:

**S. B. 17-16**

**“Section 2. The CNMI Marshals Service Division.** Title 1, Division 3 is amended by adding a new Chapter 9 to read as follows:

**Chapter 9. The CNMI Marshals Service Division.**

**§ 3901. CNMI Marshals Service Division: Establishment.**

(a) There is in the judicial branch of the Commonwealth government a CNMI Marshals Service Division having the authority and responsibility to perform the duties and functions set forth in this chapter. As used in this chapter, “division” shall mean the CNMI Marshals Service Division.

(b) The Director of Courts shall appoint a chief marshal whose duties and responsibilities shall be determined by the Judicial Council. The chief marshal shall, upon appointment, appoint deputy marshals and support staff as necessary to carry out the duties and responsibilities of the division.

(c) Each employee of the division shall take an official oath of office prior to employment.

(d) CNMI Marshals Service Division personnel, including the chief marshal, shall qualify under such minimum standards of professional experience, physical and mental health, and education as established by the Judicial Council. No individual who has been convicted of a felony or other crime of moral turpitude may serve in the division. The Chief Marshal and Deputies shall undergo firearms training to the same extent as Police Officers of the Department of Public Safety. (Amendment Offered by Representative Demapan)

That is the only amendment that I am going to introduce today.

The motion was seconded by several others.

Speaker Froilan C. Tenorio: Discussion.

Several members voiced “ready”; and the motion to adopt the amendment was carried by voice vote.

Speaker Froilan C. Tenorio: Mr. Yumul.

Representative Yumul: Thank you, Legal Counsel. Mr. Speaker, I apologize for that the answer came before the question is that under the House version, H. B. 17-28, we had amended a section where it says, “CNMI Marshals Services Division: Establishment” we needed to amend this to restate as, “Enactment. The following is hereby enacted” and then the following lines as a flowed because as Counsel had stated earlier if we do not put this specific technical language the entire bill would have to be encoded into the code. So my motion is to add on page 1, on Section 2,...I apologize – short recess, Mr. Speaker.

Speaker Froilan C. Tenorio: Short recess.

*The House recessed at 4:22 p.m.*

*RECESS*

*The House reconvened at 4:27 p.m.*

Speaker Froilan C. Tenorio: We are back in session. Let me just say that I do not think that there is an urgency on our part to approve this bill today, so if there is a problem then I will refer it to a Committee. Mr. Yumul.

Representative Yumul: Thank you. Prior to going into recess I had some concerns about the establishment – to the language to use the word “enactment” but it is okay with the Legal Counsel if there is no objections from the member to just consider it as a technical and he would just put in the proper language – it does not change the substance it just ensures that the quotes that he is willing to put into page 1 it is just a technical to ensure that codification process.

*There were no objections raised on the Floor.*

Speaker Froilan C. Tenorio: So we are back to the main motion as amended by House Draft I, so we are voting on S. B. 17-16, HD1. Mr. Joseph Deleon Guerrero.

Representative Joseph Deleon Guerrero: I would like to offer an amendment if there are no objections from the members.

*There were no objections raised on the Floor.*

Representative Joseph Deleon Guerrero: After the word “training” insert the word “and certification”.

*Representative Joseph Deleon Guerrero's floor amendment reads as follows:*

**S. B. 17-16**

**“Section 2. The CNMI Marshals Service Division.** Title 1, Division 3 is amended by adding a new Chapter 9 to read as follows:

**Chapter 9. The CNMI Marshals Service Division.**

**§ 3901. CNMI Marshals Service Division: Establishment.**

(a) There is in the judicial branch of the Commonwealth government a CNMI Marshals Service Division having the authority and responsibility to perform the duties and functions set forth in this chapter. As used in this chapter, “division” shall mean the CNMI Marshals Service Division.

(b) The Director of Courts shall appoint a chief marshal whose duties and responsibilities shall be determined by the Judicial Council. The chief marshal shall, upon appointment, appoint deputy marshals and support staff as necessary to carry out the duties and responsibilities of the division.

(c) Each employee of the division shall take an official oath of office prior to employment.

(d) CNMI Marshals Service Division personnel, including the chief marshal, shall qualify under such minimum standards of professional experience, physical and mental health, and education as established by the Judicial Council. No individual who has been convicted of a felony or other crime of moral turpitude may serve in the division. The Chief Marshal and Deputies shall undergo firearms training and certification to the same extend as Police Officers of the Department of Public Safety.

*The motion was seconded; there being no discussions on the Floor the motion was carried by voice vote.*

Speaker Froilan C. Tenorio: The motion is to approve S. B. 17-16, HD2, on First and Final Reading, roll call.

The Clerk called the Roll for the passage of S.B. 17-16, HD2 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	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Fredrick P. Deleon Guerrero	yes
Representative Rafael S. Demapan	yes
Representative Sylvestre Ilo Iguel	yes
Representative Felicidad Taman Ogumoro	yes
Representative Joseph M. Palacios	yes
Representative Raymond D. Palacios	absent (during voting)
Representative Antonio P. Sablan	yes
Representative Teresita A. Santos	absent (excused)
Representative Ramon A. Tebuteb	yes
Speaker Froilan C. Tenorio	yes

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

Speaker Froilan C. Tenorio: Thank you, S. B. 17-16, HD2, is approved. Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, now, we move to our House Bills. The first of this is H. B. 17-19, the Homestead Waiver Act of 2010, with that I move for its passage on First and Final Reading.

*The motion was seconded.*

*Introduced by Representative Teresita A. SANTOS of Rota, Precinct VII (for herself and Representatives Joseph M. Palacios, Benavente, Iguel, and Yumul) in an open and public meeting on February 5, 2010 and February 23, 2010; which was referred to the Committee on Natural Resources which submitted Standing Committee Report 17-9.*

### H. B. 17-19

**A BILL FOR AN ACT TO AMEND 2 CMC § 4335; AND FOR OTHER PURPOSES. WHICH MAY BE CITED AS "NATURAL DISASTER HOMESTEAD WAIVER ACT OF 2010"**

Speaker Froilan C. Tenorio: Discussion. Mr. Yumul.

Representative Yumul: Thank you. Earlier, Representative Benavente had spoken of a March 10, 2010, comments from then Acting Secretary now Secretary of the Department of Public Lands, Mr. Babauta, about his concerns about H. B. 17-19, basically he gave three scenarios as to what would constitute this bill if enacted into law an interpretation by then to waive any requirements of policy requiring the rebuilt if a first house had a 95% complete another one that is just starting to be completed and then the last one is a fully completed house – who determines if a house that only had the walls up for example and has no roof and a disaster strikes such as an earthquake and the foundation cracks in half because the house is not complete – does that then constitute a waiver from requiring a second residential dwelling. I think there are legitimate concerns here that needs to be brought up because not every homesteader will build with financing as we know if you are financing through a bank there should be an insurance during construction phase, so when you are building on your own, like many of us are - who gets a waiver and who does not get a waiver. If the two or three year differences in the homesteads are because one is near completion, one has been completed, and one is just barely getting off the ground. Thank you.

Speaker Froilan C. Tenorio: Mr. Benavente.

Representative Benavente: Thank you, Mr. Speaker, first on the record I do not remember saying that it must have been Representative Tebuteb who had actually said that remarks.

Representative Yumul: My apologies.

Representative Benavente: That is fine. My comments though, Mr. Speaker, is that as we speak there is a current policy on granting homestead for eligible individuals throughout the Commonwealth. This policy has a certain amount of time for someone who has been granted a

homestead to start building and there is a current policy that it requires for a certain amount of time – I forget now how much not more than three years in which the house has to be completed and you move in and then there is that certain amount time in which you should stay before you are granted the full ten years I have been shown so there is this current policy that already we have. I think the proposal which I really congratulate Representative Santos for her mission with seeing and a need for us to consider because in between those timeframes there is this situation – a disaster a serious typhoon for example that somehow damages the construction that is in process in this homestead areas and again those current policies are not changed this is just within that policy if this person is within the first year that they are required to build and we are only talking about the first year when this is built. And so it cannot be like fifteen years later and you still only have a wall. So I would think that the proposal is talking about before meeting this current requirement that a disaster should happen and you lose your home that way – given the current economic situation and the tough times that our people are having right now we really cannot demand them to say, yes, typhoon yesterday you better start building tomorrow. I think that this is something that we need for us is to consider and grant. Again, knowing the situation that our people currently meet the challenges that our people are currently in right and the need for these individuals to somehow find the necessary time not the time required by the Department of Public Lands for the time in which they can start rebuilding their residential homes in those homesteads. So I think this is an excellent proposal that we should provide our community. Thank you.

Speaker Froilan C. Tenorio: Mr. Tebuteb.

Representative Tebuteb: I would like to offer a floor amendment. On page 2, line 4, after the word “his/her” insert “completed” – this amendment is also a recommendation of the Department Public Lands, also the same intent of this amendment is also suggested in the findings under section b, of the Standing Committee Report as well as the cost benefit, which also suggested “completed”. So just to be consistent that is my motion. Thank you.

*Representative Tebuteb floor amendment to read as follows:*

#### **H. B. 17-19**

**Section 3. Amendment.** Title 2 CMC § 4335 is hereby amended by adding a new subsection (d) as follows:

“(d) The Department of Public Lands shall waive any requirement or policy requiring village homesteader(s) to re-build a second residential dwelling house upon showing by any homesteader(s) that his/her completed residential dwelling structure was destroyed or severely damaged by typhoon, tsunami or other natural or man-made disasters.”

Speaker Froilan C. Tenorio: Are you suggesting that the Department of Public Lands is supporting this bill?

Representative Tebuteb: We have a written statement from the Department of Public Lands recommending that we submit “completed” into the legislation for consideration. Yes, they are.

Speaker Froilan C. Tenorio: Alright, thank you Mr. Tebuteb. Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, I do have an objection to that floor amendment. When it comes to using the word “completed”...

Speaker Froilan C. Tenorio: Your amendment again, Mr. Tebuteb?

Representative Tebuteb: On H. B. 17-19, page 2, line 4, after the word “his/her” insert “completed”.

Speaker Froilan C. Tenorio: Okay, is there any second.

*The motion was seconded by several others.*

Speaker Froilan C. Tenorio: Discussion. Mr. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. I do have an objection to that amendment when using the word “completed”. What is really a “completed” dwelling? For instance there are times when people are just starting to build their house and let us say they have three walls up and one more wall to go and a typhoon comes – then in that case that dwelling is not completed and therefore that give the Department of Public Lands the authority to revoke such a homestead.

Speaker Froilan C. Tenorio: Mr. Benavente.

Representative Benavente: Once again, Mr. Speaker, we go back to remembering that there is a current policy and the current policy is the first year, there are supposed to start building within the three years you are supposed to have a completed building. So we need to be talking about the first year as well – you know as the Floor Leader has pointed out it cannot be just when the house is completed we are also talking about the first three years in which an applicant is allowed to build and construct his residential and if a disaster happens within that period then we are also granting the exemption for that period. So “completed” might help those individuals who have actually moved in which is really not an issue because they have already been granted that after you start living you are basically kind of granted your done. I think the concern is mainly on the first three years where you are required to build and if you do not build it gets taken away from you. So I would think the amendment would defeat the purpose because again, I feel that the purpose is really between you start building and you complete building before you moved in. I wish that Representative Tebuteb would reconsider that amendment. Thank you.

Speaker Froilan C. Tenorio: Mr. Tebuteb.

Representative Tebuteb: To respond, the Floor Leader and myself signed off of the Committee Report and the Committee Report also suggests on the findings on section b of the Committee Report on the last paragraph it suggested “completed” and it also suggested that the cost benefit paragraph of “completed” residential dwelling – so to be consistent. Along with the suggestions of the Department of Public Lands I would like to submit that as part of the amendment.

Speaker Froilan C. Tenorio: Mr. Joseph Deleon Guerrero.

Representative Joseph Deleon Guerrero: Thank you, Mr. Speaker. Ultimately, Mr. Speaker, I am going to end up asking that this bill be sent back to the Committee because this policy here that is about to be adopted really requires consultation with DPL not just their comments and let me state why. First of all, DPL’s policy is when you get a homestead – let me state what those requirements

are, you have to build a home or residence and the requirements is it has to have four walls, it is has to have a bathroom and it has to have a kitchen – it does not say you have to have how many bedrooms, but that at a minimum for it to pass inspection. If somebody is building a house and only has two or three walls that does not constitute passing inspection – and if a typhoon comes and blows it down it is very unfortunate and I think like I said, further consultation is required – perhaps those individuals could be given a extended time to finish up their homes because a typhoon came, but I do not think it also warrants that they be granted the homestead when others have to pass inspection and you did not – at the same token remember what this bill is asking of us is that they shall waive any requirements to rebuild and we have to be mindful that the whole intent of the homesteading program is to provide land for people to build their houses and to live there. Now, if these people are granted a waiver and so you know I have two walls up a typhoon came did not finish it now I do not even have to finish the building – I am waived from completing that house. It totally goes against the very intent of the Homesteading Program. So valuable land - that could others and there is a lot of people none of us need to know how many people are waiting in line could be granted to those who are ready to build. But yet, here we are making a policy saying it is okay you did not finish it typhoon came but he can have the land but he does not really need to rebuild a second dwelling. That I think is very questionable as far as a policy decision. And if anything, and we want to make it fair for both the individuals who have experienced this type of incident and those to make it fair for future or other homesteaders perhaps DPL should ask the Committee to perhaps to consult with DPL give them a fair amount of time and allow them to be more flexible rather to grant this waiver. I am sorry, but I think this waiver is unfair – not only for those who have passed inspection but it is also unfair for others who are waiting and have not been given the opportunity to get a homestead. I think DPL kind of talked about the unfairness with you know Mr. A, Mr. B, and Mr. C, and they talked about the difference – you can read it yourself it is in their comments, but I just think that going in this direction is not a very sound decision on our part. I am not voting against this bill, unless, perhaps with a “completed” amendment I can support it but otherwise I am not going to support this bill – I asked that it be referred back to the Committee and let them work with DPL on how to make their policy more flexible. Thank you.

Speaker Froilan C. Tenorio: Mr. Dela Cruz.

Representative Dela Cruz: Thank you, Mr. Speaker. First off, I must say, that yes, you can have a three wall house provided that you build a triangle shape building. (laughter) That is very possible. With all due respect to our minority leader, three years to build a house when you apply it – it is quite a long time. Now, if a catastrophe should happen a typhoon usually the Government declares a State of Emergency and funding usually falls in from the Federal Government such as, FEMA, and SBA, some are grants that you do not need to pay, some are low interest loans that people can pay for. I guess the legislation in itself tries to make those people that have not completed their residential structures within a given period of time to go scot-free and own the land without fulfilling the requirements of DPL – this is how I see the legislation – and DPL mentions that there are four thousand in the waiting list. What are we trying to do with the legislation here are we giving away free lands that is how this legislation appears – we are trying to give away free lands to people that have not met the requirements of DPL. If applicants for homesteads needed extensions DPL I am sure can probably accommodate within reasons – after three years I think it is too long and like I said there are other people needing land to build houses for their wives and families. And so I would agree with Representative Tebuteb’s amendment to have that “completed” word inserted on line 4, Mr. Speaker and members, thank you.

*Several members voiced "ready"; there being no further discussions the motion offered by Representative Tebuteb was carried by voice vote.*

Speaker Froilan C. Tenorio: Are we ready to vote on this bill?

*Several members voiced "ready". The Speaker called for the roll.*

The Clerk called the Roll for the passage of H.B. 17-19, HD1 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	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Delcon Guerrero	yes
Representative Fredrick P. Delcon Guerrero	yes
Representative Rafael S. Demapan	yes
Representative Sylvestre Ilo Iguel	yes
Representative Felicidad Taman Ogumoro	yes
Representative Joseph M. Palacios	yes
Representative Raymond D. Palacios	absent (during voting)
Representative Antonio P. Sablan	yes
Representative Teresita A. Santos	absent (excused)
Representative Ramon A. Tebuteb	yes
Speaker Froilan C. Tenorio	no
Representative Stanley McGinnis Torres	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ray N. Yumul	yes

Speaker Froilan C. Tenorio: H. B. 17-19, HD1, is approved. Mr. Floor Leader.

Floor Leader Camacho moved for the House to resolve into the Committee of the Whole. The motion was seconded and carried by a voice vote.

*The House resolved into the Committee of the Whole at 4:56 p.m.*

#### COMMITTEE OF THE WHOLE

*The motion was seconded and carried by voice vote.*

*The House reconvened its plenary session at 5:28 p.m.*

Speaker Froilan C. Tenorio: Mr. Floor Leader?

Floor Leader Camacho: Thank Mr. Speaker, we have heard the testimony of the Executive Director, Mr. Tony Muña and I believe everybody is pretty clear with the issue at hand and with that I move for the passage of S. B. 17-18 on First and Final Reading.

*The motion was seconded.*

**S. B. 17-18**

**A BILL FOR AN ACT TO AMEND SUBSECTION (D) OF SECTION 8122 OF TITLE FOUR OF THE COMMONWEALTH CODE TO MERELY CLARIFY AN AMBIGUITY REGARDING THE COMMONWEALTH UTILITIES CORPORATION'S AUTHORITY TO SET RATES UNTIL SUCH TIME AS THE PUBLIC UTILITIES COMMISSION SHALL ISSUE AN ORDER SETTING RATES, FEES, CHARGES OR RENTS FOR A UTILITY SERVICE; AND FOR OTHER PURPOSES. [SEN. COMM. 17-30] [No comments were received in a open and public meeting when the legislation appeared on the House Agenda of 4/27/10]**

Speaker Froilan C. Tenorio: Is there further discussion?

*Several members voiced "ready".*

Speaker Froilan C. Tenorio: Mr. Dela Cruz.

Representative Dela Cruz: Mr. Speaker, if I may again reiterate my request earlier to refer this legislation to the Committee on Public Utilities, Transportation and Communication (PUTC) so that we can deliberate a little bit more on this.

Speaker Froilan C. Tenorio: Is that a motion?

Representative Dela Cruz: It is a motion, Mr. Speaker.

*The motion was seconded by several others.*

Speaker Froilan C. Tenorio: Discussion. Mr. Benavente.

Representative Benavente: Mr. Speaker, I think it was cleared from the testimony of the Mr. Muña, that something needs to happen immediately because the decisions by the Supreme Court some time ago already. I personally do not feel that there is any more to explain I mean it is pretty clear that either we do this or we will pay for it later and I know it is going to be painful. So I think that through the testimony of the Director that requests that this be done as soon as possible and for us to act on this legislation today. Thank you.

Speaker Froilan C. Tenorio: Okay, there is a motion on the Floor to refer this legislation to a Committee. Alright.

There being no further discussions; and the motion refer S. B. 17-18 was defeated and carried by voice vote.

Speaker Froilan C. Tenorio: Clerk roll call on the main motion.

The Clerk called the Roll for the passage of S.B. 17-18 on First and Final Reading with the following results:

Representative Ramon S. Basa	yes
Representative Diego T. Benavente	yes

Representative Eliceo D. Cabrera	no
Representative George N. Camacho	yes
Representative Trenton B. Conner	no
<i>Representative Dela Cruz: Mr. Speaker, just a few seconds. You know just yesterday I submitted a resolution to oppose CUC's petition to PUC to raise the water and wastewater rates. What everyone is trying to do here and now is make something that is illegal legal – that is what is happening now. And I hope you can face the people out there – people that voted you into office and say, no, you cannot sue to get your credits back – those that have paid those amounts 22<sup>nd</sup> of July 2006 to October because it is moot. This Legislature had made it legal that is what we are doing. Mr. Speaker, my vote is no.</i>	
Representative Francisco S. Dela Cruz	no
Representative Joseph P. Deleon Guerrero	no
Representative Fredrick P. Deleon Guerrero	yes
Representative Rafael S. Demapan	yes
Representative Sylvestre Ilo Iguel	yes
Representative Felicidad Taman Ogumoro	yes
Representative Joseph M. Palacios	yes
Representative Raymond D. Palacios	absent (during voting)
Representative Antonio P. Sablan	no
Representative Teresita A. Santos	absent (during voting)
Representative Ramon A. Tebuteb	yes
Speaker Froilan C. Tenorio	yes
Representative Stanley McGinnis Torres	abstain
Representative Edmund Joseph S. Villagomez	yes
Representative Ray N. Yumul	no

Speaker Froilan C. Tenorio: S. B. 17-18 is approved. Mr. Floor Leader.

Floor Leader Camacho: Mr. Speaker, I move for the passage of H. B. 17-29, to fund an independent study.

The motion was seconded.

*Introduced by Representative Sylvestre Iguel of Saipan, Precinct IV (for himself) in an open and public meeting on February 23, 2010 and March 11, 2010; which was referred to the Committees on Health and Welfare and Ways and Means and submitted Standing Committee Report 17-12 which had been adopted on April 30, 2010.*

**H. B. 17-29**

**A BILL FOR AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC LANDS TO FUND AN INDEPENDENT STUDY TO CONDUCT AN ENVIRONMENTAL SAMPLING AND CONSULTATION OF AREAS WITHIN THE CNMI POSSIBLY CONTAMINATED WITH CHEMICALS OF CONCERN; AND FOR OTHER PURPOSES.**

Speaker Froilan C. Tenorio: Discussion.

Several members voiced “ready”.

Speaker Froilan C. Tenorio: Roll call.

The Clerk called the Roll for the passage of H.B. 17-29 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	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Fredrick P. Deleon Guerrero	yes
Representative Rafael S. Demapan	yes
Representative Sylvestre Ilo Iguel	yes
Representative Felicidad Taman Ogumoro	yes
Representative Joseph M. Palacios	yes
Representative Raymond D. Palacios	absent (during voting)
Representative Antonio P. Sablan	yes
Representative Teresita A. Santos	absent (excused)
Representative Ramon A. Tebuteb	yes
Speaker Froilan C. Tenorio	yes
Representative Stanley McGinnis Torres	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ray N. Yumul	yes

Speaker Froilan C. Tenorio: H. B. 17-29 is approved. Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker, last for our action today is H. B. 17-39 and I move for its passage on First and Final Reading.

The motion was seconded.

*Introduced by Representative Stanley T. McGinnis-Torres of Saipan, Precinct III (for himself) in an open and public meeting on March 11, 2010 and March 19, 2010; which was referred to the Committees on Education, submitted S. C. R. 17-12 which had been adopted on April 30, 2010.*

#### H. B. 17-39

#### A BILL FOR AN ACT TO AMEND 3 CMC TITLE 3, DIVISION 1, CHAPTER 3, §1316 ET SEQ., "THE POSTSECONDARY EDUCATION ACT OF 1984".

Speaker Froilan C. Tenorio: Discussion. Mr. Benavente.

Representative Benavente: Mr. Speaker, as I looked at the committee report I do not see that there were any discussion with the Board of Regents on this proposal. We are going to and have been and continue go through the review by WASC on maintaining our accreditation of NMC. This proposal and I do not know if it does but these types of proposals are some of the concerns that I have always raised in the past, is I guess for lack of a better way of putting this, the political interference in to the college and I am sure that there is current policies with the management for the Board of Regents or the Legislature to start making its own policy – I wonder if that will affect the concerns that continue to be raised by WASC as to the interference of elected officials within the college – that has always been my concern in the past and so I do not know if the Committee has consulted the Board of Regents on this and is the Board of Regents in support of this proposal and if they do maybe then this should fine. But I do not want to jeopardize the accreditation that the college has now barely holds or has. Thank you.

Speaker Froilan C. Tenorio: Madam Vice Speaker.

Vice Speaker Ogumoro: Just a question to the Committee Chair, to clarify – did you get anything from the Board of Regents who recommend either passage or no passage of the subject legislation – just so we get some direction from that body?

Representative Cabrera: Mr. Speaker, the Chairman is not in the Chamber right now.

Speaker Froilan C. Tenorio: Chairman Basa, can you comment?

Representative Basa: Yes, I am a member of such Committee and I do not want to speak for the Chairman but I do not think we have received statement from the Board of Regents.

Speaker Froilan C. Tenorio: Mr. McGinnis-Torres.

Representative McGinnis-Torres: Since I am the author of this bill I believe this is my third try as you remember President Wright that became the President of NMC he fired eleven (11) of NMC staff and faculty because of personal reasons and vendetta. And again last year when President Fernandez started not renewing employee of the faculty that is the start of the magnet of fear among especially the faculties in the college and I take credit for interfering and given the expel or the fired President Fernandez and because of the absence of the protection of the current employees in the absence of due process that she can just terminate not renew without cause. Where in the democratic society that one person that wanted to become a dictator in his or her empire that we cannot interfere in the protection of the employees that are among our people. I do not know what is wrong with this bill that cannot be supported – this is for the protection of employees so that the President – the President is the only one that can hire and terminate so let us protect the people that are to be hired if they are not doing any violation during their employment – like McPheters lucky that Fernandez is fired and McPheters and two others are now coming back to work because they need those people – they need their experienced and competent. I understand that the prior President Fernandez was incompetent even when she used to work for the University of Guam. The University of Guam staff and teachers went out and campaigned to make her win the election so that she gets out of the University of Guam and after serving one term in the Guam Legislature she never worked and they are not going to support her any more – I do not know did she lose in the election or just stepped down. She tried going back to the University of Guam to apply for job they did not take her in and again, you know our own Board of Regents hired her when she did not even make the top five candidates for the President of NMC it is through political connection that she became the President, but five others were more qualified than her were not considered by the Board of Regents. Any way she became the lady with an iron fist.

Speaker Froilan C. Tenorio: Mr. Joseph Deleon Guerrero.

Representative Joseph Deleon Guerrero: Mr. Speaker, this is probably a rare case where I stand up and speak in favor of my colleague, but even though I would prefer that the Board of Regents would have commented on the bill, but if anything this amendment only needs NMC's HR policy fall in line with other government agencies – there are civil service personnel system and that it allows for employees to be terminated only with cause and through a grievance proceedings. So if anything like what he had said, it would protect and not allow any biased termination of employees. Although, it does have a different standard for the President that he or she can be removed by

majority vote of the Board of Regents. But again, given that it is still adequate if anything it would conform it to our regular civil service policies. I will support the bill. Thank you.

Speaker Froilan C. Tenorio: We are voting on H. B. 17-39, roll call.

The Clerk called the Roll for the passage of H.B. 17-39 on First and Final Reading with the following results:

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

Speaker Froilan C. Tenorio: The motion is carried, H. B. 17-39 is approved. Mr. Floor Leader.

Floor Leader Camacho: We move to miscellaneous.

#### MISCELLANEOUS BUSINESS

Speaker Froilan C. Tenorio: Mr. Conner.

Representative Conner: Thank you, Mr. Speaker. I would like to cordially invite everybody to the Tinian San Jose Fiesta if you have time and the financial means to make it I would appreciate your presence. Unfortunately, with this session I missed the coronation for the King and the Queen which had started at 4:30 p.m. with the mass and coronation, but I am still inviting you to enjoy the celebration and the festivities for tomorrow and the drawing on Sunday. Thank you.

Speaker Froilan C. Tenorio: Vice Speaker.

Vice Speaker Ogumoro: This afternoon the Secretary of the Interior represented by Mr. Babauta presented the report on the alien population in the CNMI which an official copy has already been presented to the US Congress. I was able to get copies of that report which was presented this afternoon to the Governor and the Lieutenant Governor to be distributed to all of you. Personally, I am very disturbed by this report and I strongly urge all of you to please read it and go over the report which include the recommendations of the Interior Secretary on how to deal with our alien workers here in the CNMI and I will be introducing a resolution that will speak to that report. Thank you, Mr. Speaker.

Speaker Froilan C. Tenorio: I would just like to ask whether all of you have a laptop so that we can go paperless. Mr. Conner.

Representative Conner: If you can afford one from the leadership account I appreciate it. (laughter)

Speaker Froilan C. Tenorio: Mr. Cabrera.

Representative Cabrera: You know the whole purpose and intent of the building to be wireless is for us to be accessing bills – to be all paperless – that was a couple of years ago. I believe most of the states now are going paperless.

### ANNOUNCEMENT

*No announcements were made.*

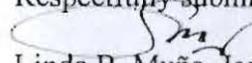
### ADJOURNMENT

The Chair recognizes the Floor Leader.

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

The House adjourned at 5:52 p.m.

Respectfully submitted,

  
Linda B. Muña, Journal Clerk  
House of Representatives

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### APPEARANCE OF LOCAL BILLS

**FIRST APPEARANCE:** 1<sup>st</sup> Legislative appearance of a local bill is on the day it is introduced.

**SECOND APPEARANCE:**

**H. L. B. 17-12** A House Local Bill for an Act to reappropriate funds from Rota Local Law 15-4 and Rota Local Law 15-6; and for other purposes.

Introduced by **REP. TERESITA A. SANTOS** of Rota, Precinct 7 (*for herself*)

**H. L. B. 17-14** A House Local Bill for an Act to repeal the appropriation and to re-appropriate the unexpended funds from Saipan Local Law 15-12, Section 2(f).

Introduced by **REP. SYLVESTRE I. IGUEL** of Saipan, Precinct 4 (*for himself*)

**H. L. B. 17-15** A House Local Bill for an Act to re-appropriate \$80,000.00 from section 2(b)(8) and (10) of Saipan Local Law 16-4; and for other purposes.

Introduced by **REP. GEORGE N. CAMACHO** of Saipan, Precinct 4 (*for himself*, Representative Cabrera and Iguel)

**H. L. B. 17-16** A House Local Bill for an Act to name an existing unnamed road.

Introduced by **REP. FROILAN C. TENORIO** of Saipan, Precinct 1 (*for himself*)

**THIRD APPEARANCE:**

**H. L. B. 17-13:** A HOUSE LOCAL BILL FOR AN ACT TO AMEND 10 CMC § 3921(C) AND (E), AND 3927; AND FOR OTHER PURPOSES.

Introduced by **REP. FELICIDAD T. OGUMORO** OF SAIPAN, PRECINCT 3 (*for herself*)

