



HOUSE OF REPRESENTATIVES

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SPECIAL SESSION 2010

LEGISLATIVE JOURNAL

First Day

Monday, June 28, 2010

The House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature convened its First Day, Fifth Special Session on Monday, 28th of June 2010, at 2:35 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Felicidad T. Ogumoro, Acting Speaker of the House, presided.

A moment of silence was observed.

ROLL CALL

Acting Speaker Ogumoro: Clerk, roll call.

The Clerk called the roll and eighteen members were present; Representatives Joseph P. Deleon Guerrero; and Froilan C. Tenorio; were absent and excused.

Acting Speaker Ogumoro: Under privilege, Mr. Benavente, recognized

Mr. Diego Benavente: I apologize, but I would like to ask for an excuse for Mr. Joseph Deleon Guerrero who is off-island.

Acting Speaker Ogumoro: Mr. Joseph Deleon Guerrero is excused.

PUBLIC COMMENTS

Acting Speaker Ogumoro: Are there any public comments? If none, let us move down to adoption of journals.

There were no public comments received.

ADOPTION OF JOURNALS

NONE

INTRODUCTION OF BILLS

Acting Speaker Ogumoro: Introduction of Bills? Floor Leader, recognized.

Floor Leader Camacho: Before we proceed, I know that there are probably one or two bills that did not meet the Agenda and I would like to move to include all bills to be introduced to today that are not appearing on the day's agenda.

The motion was seconded.

Acting Speaker Ogumoro: Thank you, Floor Leader. Clerk, roll call.

The Clerk called the Roll on the motion to amend the day's Agenda 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	absent (excused)
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	yes
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

Acting Speaker Ogumoro: Thank you. Floor Leader

Floor Leader Camacho: Thank you, Madam Speaker, we can now proceed with the introduction of bills.

House Bills: None

House Local Bills:

Acting Speaker Ogumoro: Mr. Fredrick Deleon Guerrero, recognized.

Mr. Fredrick Deleon Guerrero: A local appropriation for an act for the Third Senatorial District to provide an appropriation to the Saipan Little League Association, Inc. and for other purposes.

House Local Bill 17-25

A Local Appropriation Bill for an Act for the Third Senatorial District to provide for an appropriation for the Saipan Little League Association, Inc.; and for other purposes.

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

Acting Speaker Ogumoro: Thank you. Are there any more bills for introduction?

House Legislative Initiatives: None

Acting Speaker Ogumoro: If none, let us proceed to Introduction of Resolutions.

INTRODUCTION OF RESOLUTIONS

Acting Speaker Ogumoro: Are there any resolutions to be introduced?

Several members voiced “ready”

House Resolutions: None

House Joint Resolutions: None

House Commemorative Resolutions: None

House Concurrent Resolutions: None

Acting Speaker Ogumoro: Let us move down to Messages from the Governor.

MESSAGES FROM THE GOVERNOR

The Chair recognized the Clerk.

The Clerk announced the following communication from the Governor.

GOV. COMM. 17-134: (6/23/10) Informing the House that he approved in part, and disapproved in part H. L. B. 17-14, D2, “To repeal the appropriation and to reappropriate the unexpended funds from Saipan Local Law 15-12, Section 2(f); to reappropriate unobligated/lapsed funds from Saipan Local Law Nos. 15-33, 16-21, 16-5, and 15-24; and for other purposes. [Became *Saipan Local Law 17-3, item vetoed [Deadline 8/22/10]*]

GOV. COMM. 17-135: (6/23/10) Informing the House that he disapproved H. L. B. 17-15, D2 (To reappropriate \$80,000 from Section 2(b)(8) and (10) from Saipan Local Law 16-4; and for other purposes.) [Deadline 8/22/10]

GOV. COMM. 17-136: (6/22/10) Executive Order 2010-06 – Declaration of a State of Disaster Emergency for CUC's imminent Generation and other Failure and the need to provide immediate reliable Power, Water, and Wastewater Services, Continuation #23.

Acting Speaker Ogumoro: Thank you. If there are no discussions under Communications from the Governor, let us move down to Communications of the Senate.

There were no discussions made under Messages from the Governor.

SENATE COMMUNICATIONS

Floor Leader Camacho: Clerk.

The Clerk announced that there are several Communications from the Senate.

SEN. COMM. 17-52: (6/24/10) Returning H. B. 17-78, HD1 (To amend Public Law 16-7 and for other purposes.), which was passed by the Senate on June 23, 2010, in the form of **H. B. 17-78, HD1, SD2**. [For action on Senate amendment]

SEN. COMM. 17-53: (6/25/10) Returning H. B. 17-38, the Nuclear and Chemical Free Zone Amendment Act of 2010, which was passed by the Senate on June 23, 2010 without amendment. [For info]

SEN. COMM. 17-54: (6/25/10) Transmitting for House action S. B. No. 17-33, (To increase the limits for medical school professional scholarships.) which was passed by the Senate on June 23, 2010. [For action]

SEN. COMM. 17-55: (6/25/10) Transmitting for House action S. B. No. 17-31, SD1 (To name the Natibu Park amphitheater on Tinian, "The Antonio Mangloña Borja Amphitheater; and for other purposes.) which was passed by the Senate on June 23, 2010. [For action]

SEN. COMM. 17-56: (6/25/10) Transmitting for House action S. B. No. 17-32, (To amend Section 2 of Public Law 15-90; and for other purposes.) which was passed by the Senate on June 23, 2010. [For action]

SEN. COMM. 17-57: (6/25/10) Transmitting for House action S.L.I. No. 17-03, (To propose a constitutional amendment to explicitly state that qualified retirees may be reemployed as classroom teachers, doctors, nurses, and other medical professionals without loss of retirement benefits, regardless of the individual's occupation prior to retirement, to eliminate the time limitation of such reemployment, and to clarify that the term "medical professional" includes dentists, dental lab technicians, dental assistants, medical lab technicians, medical assistants, therapists, veterinarians, animal health officer or equivalent, and the like.) which was passed by the Senate on June 23, 2010. [For action]

SEN. COMM. 17-58: (6/25/10) From Acting Senate President Jude Hofschneider to MPLT Chair Phillip Mendiola Long regarding MPLT funds. [For info]

SEN. COMM. 17-59: (6/28/10) Informing the House that the Senate recalled H. B. 17-78, HD1, SD2, (To amend PL) which was passed by the Senate on June 23, 2010 and transmitted to the House on June 24, 2010. [For action]Acting Speaker Ogumoro: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Madam Speaker, there is two more Communications from the Senate that is not appearing on the day's agenda. I move to place those Communications on the Agenda, Sen. Comm. 17-58, which is a letter from the Acting President and Sen. Comm. 17-59, this is the recall request from the Senate.

Acting Speaker Ogumoro: Short recess, please.

The House recessed at 2:43 p.m.

RECESS

The House reconvened at 2:46 p.m.

Acting Speaker Ogumoro: We are back in session. We are under Senate Communications, Floor Leader, you may continue.

Floor Leader Camacho: Thank you, Madam Speaker, I move to accept Sen. Comm. 17-59 and to return H. B. 17-78, HD1, SD2 to the Senate.

The motion was seconded.

SEN. COMM. 17-59: (6/28/10) Informing the House that the Senate recalled H. B. 17-78, HD1, SD2, (To amend PL) which was passed by the Senate on June 23, 2010 and transmitted to the House on June 24, 2010. [For action]

Acting Speaker Ogumoro: Discussion on the motion. Mr. Benavente, recognized.

Mr. Diego Benavente: Thank you, Madam Speaker. I am not opposed to allowing the recall as it is required. But I am concerned that this is taking too long. If we remember our previous action on a legislation that was necessary to avoid payless paydays and in the last pay period it did not come on time and paychecks were withheld. And once again, I remind everyone that times are tough out there and a lot of our people live on paycheck to paycheck. And so I ask that the Senate and its Leadership as well as our selves here to quickly act on this legislation. It was understood that we were going to go into session today, allow the recall, the Senate was going to make the necessary changes and pass it and send it back to the House today and pass this bill today. It is also my understanding that MPLT cannot release the funds overnight and that it will require some time for some of those funds to be liquidated or be turned into cash to be deposited. And so I hope that someone is keeping track of the time necessary for us to act and thereby avoiding again a delayed paycheck because a delayed paycheck means just hard times for a lot of our Government employees. Thank you.

Acting Speaker Ogumoro: Thank you, Mr. Benavente. Mr. Yumul, recognized.

Mr. Ray Yumul: Thank you, Madam Speaker. The reason why on last Friday's session that we did not act on the Senate's Communication 17-52 was because we were given through office a

courtesy copied of letter from the MPLT and it was signed by the Chairman of the MPLT Board of Trustees, Mr. Philip Mendiola-Long but it was directed to the Senate, Senate President Paul A. Mangloña asking for amendments so that they could feel comfortable in passing H. B. 17-78. And that is the reason why I do not oppose sending this bill back to the Senate since the request was formally made by the MPLT to the Senate, but in doing so like what was earlier stated by Mr. Benavente, the time for the Senate act so that we can in turn receive their latest amendment is putting a lot of strain not just on the MPLT but also on the entire Government because of the time for action is running down. Although today is Monday, the Governor still has to look at the MPLT's comments. I know that the House and the Senate has met earlier this morning to look at the statement by the MPLT and draft an amended version which we that were present that reviewed it felt comfortable. If the Senate does not act later this afternoon to pass the new amendments that is being requested by the MPLT we are going to further delay eventuality that is not going to stop until a recourse is made. Which is, basically to give the tools necessary to the Governor to allow for the badly needed funds to be transmitted. We may be forced to hold an emergency session because as you know the Open Government Act applies to the Legislature and we have to have a seventy two hour notice (72) to convene a session. And if anyone here knows of any reason why maybe perhaps we should not send this back maybe reject this Communication, reject the amendments as originally offered under Senate Communication 17-52 and then immediately go into Conference Committee. I think that is the best way to tackle the issue if there are concerns because what was again stated by Mr. Benavente I think at this point it makes more sense to have both Houses together with the Administration and the MPLT to try to iron out the concerns. It is a very technical legislation. It deals with a provision of the Constitution where the MPLT originated from. Personally I am already getting extremely concerned. But if this is the course that needs to be done then I will yield and allow this bill to return once again to the Senate, but I pray that we have a solution before the end of this legislative day. Thank you.

Acting Speaker Ogumoro: Thank you. I would like to recognize, Mr. Raymond Palacios.

Mr. Raymond Palacios: Thank you, Madam Chair. This is just a point of information and I hope it will help Mr. Benavente, but correct me if I am mistaken that expediting Communication it has nothing to do with the payless Friday. According to your meeting with the Governor – is that true, Madam Speaker, that even though we do not expedite this recall H. B. 17-78 that the payless payday will not occur and there will be paychecks for all the Government employees.

Acting Speaker Ogumoro: My understanding is that we are going to return the bill back to the Senate and the Senate will do the necessary amendments and give it back to the House. The meeting this afternoon is precisely on that issue. There will be a meeting tomorrow with the Administration, the Senate, and the House members so that we can take a look at the bill and make sure that we are all in agreement with the format of what, H. B. 17-78 before we act on that. So we will be meeting at nine o'clock tomorrow morning to further expedite the action. So I would like to ask that we vote and agree to the request of the Senate to return the bill and then we go from there.

Several members voiced "ready"; and being no further discussions the Chair called for the roll call.

The Clerk called the Roll on the motion accept the Senate's request to recall H. B. 17-78, HD1, SD2 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	absent (excused)
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	yes
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	absent (excused)

Acting Speaker Ogumoro: Thank you. I would now like to move on down to House Communications.

HOUSE COMMUNICATIONS

Acting Speaker Ogumoro: House Communications.

The Clerk announced that there was one.

HSE. COMM. 17-34: (6/22/10) From Acting Speaker Ogumoro referring legislations to respective House Committees.

HSE. COMM. 17-35: (6/25/10) From Acting Speaker Ogumoro to MPLT Chair Phillip Mendiola Long relative to H. B. 17-78, HD1, SD2 (MPLT Interest Income).

COMMUNICATIONS FROM THE JUDICIAL BRANCH

Acting Speaker Ogumoro: Communications from the Judicial Branch.

The Clerk announced that there were none.

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

Acting Speaker Ogumoro: Communications from Departments and Agencies.

The Clerk announced that there were none.

MISCELLANEOUS COMMUNICATIONS

Acting Speaker Ogumoro: Miscellaneous Communications.

The Clerk announced that there were none.

REPORTS OF STANDING COMMITTEES

NONE

Acting Speaker Ogumoro: We move down to the Resolution Calendar.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

UNFINISHED BUSINESS

NONE

RESOLUTION CALENDAR

Acting Speaker Ogumoro: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Madam Speaker, we have one Resolution on the Resolution Calendar and with that I move for the adoption of H. R. 17-15, respectfully requesting Mr. Rowan Gould, Acting Director of United States Fish and Wildlife Service to support the review for the reclassification of the Nightingale Reed-Warbler from the United States Fish and Wildlife endangered species list in the CNMI.

The motion was seconded.

Introduced by Francisco S. Dela Cruz of Saipan, Precinct 3 (for himself, Representatives Diego T. Benavente, Eliceo D. Cabrera, Trenton B. Conner, Frederick P. Deleon Guerrero, Rafael S. Demapan, Sylvestre I. Iguel, Joseph M. Palacios, Raymond D. Palacios, Antonio P. Sablan, Teresita A. Santos, Ramon A. Tebuteb, Stanley T. McGinnis-Torres, and Edmund S. Villagomez) introduced the following Resolution in an open and public meeting, with an opportunity for the public to comment when the Resolution which appeared on June 18, 2010 and June 28, 2010.

H. Res. 17-15

A House Resolution respectfully requesting Mr. Rowan Gould, Acting Director of United States Fish and Wildlife Service to support the review for the reclassification of the Nightingale Reed-Warbler from the United States Fish and Wildlife endangered species list in the CNMI.

Acting Speaker Ogumoro: Discussion on the motion. Let me recognized, Mr. Benavente.

Mr. Diego Benavente: Thank you, Madam Speaker. I would like to just raise a couple of concerns. The “Whereas” clauses in the language of this Resolution is basically statements that if adopted we as members of the Legislature are officially making. I am concern with the “Whereas” clause on page 1, starting with Lines 10, with regards to ivy gourd vines. I am not sure if that is in fact a true statement. And I ask if anyone has information as to whether that is in fact is official or scientific and we are not providing false information. My understanding is that whatever it is that we are doing currently there is size that the ivy gourd growth is reducing throughout the island. If someone has information on whether this is factual information then we will leave it in there. Otherwise, we should not be providing misleading or nonfactual statements.

Acting Speaker Ogumoro: Mr. McGinnis-Torres, recognized.

Mr. Stanley McGinnis-Torres: Thank you, Madam Speaker. To be truthful about it there is no study made, but I personally physically observed and found to be true. If the Fish and Wildlife and the Quarantine and Forestry really did their jobs they would all agree with me to what I stated. Thank you.

Acting Speaker Ogumoro: Are there any more discussions?

Several members voiced “ready”; and the motion to adopt H. R. 17-15 was carried by voice vote.

Acting Speaker Ogumoro: We will now proceed to the Bill Calendar.

BILL CALENDAR

Acting Speaker Ogumoro: Short recess.

The House recessed at 3:00 p.m.

RECESS

The House reconvened at 3:02 p.m.

Acting Speaker Ogumoro: We are now back in session. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Madam Speaker. I move for the passage of H. B. 17-88.

The motion was seconded.

Introduced by Representative Diego T. Benavente of Saipan, Precinct 1, (for himself) on June 25, 2010. [The House did not receive any public comment on the Bill during an open and public meeting on June 24, 2010 and June 28, 2010].

H. B. 17-88

A Bill for an Act to amend Public Law 16-21 Section 2(c) and for other purposes.

Acting Speaker Ogumoro: Discussion on the motion. Mr. Cabrera, recognized.

Mr. Eliceo Cabrera: Before I submit my written floor amendment may I request for a short recess to speak with the author of the bill?

The House recessed at 3:04 p.m.

RECESS

The House reconvened at 3:05 p.m.

Acting Speaker Ogumoro: We are back in session. Mr. Cabrera, you may continue.

Mr. Eliceo Cabrera: Yes, ready for the question.

Acting Speaker Ogumoro: Let me recognize, Mr. Benavente.

Mr. Diego Benavente: Thank you, Madam Speaker. This legislation is necessary to accommodate or to fix the objections raised by the Governor if you remember this proposed appropriations was actually made in a local bill. And what was mistakenly referred to as funds available under local appropriation and we are trying to reappropriate it under the local appropriations. But these funds were actually funds that were appropriated Commonwealth Government-wide. And so the only way that we would allow what we had intended to do in the first place with the Local Delegation would be to pass it by the House and the Senate and then the Governor signing it into law. I seem to remember and because we had acted on this not too long ago, although there was a support for this particular amendments I know that some other members had voted against the bill – it was the bill that had the land acquisition issue, and I understand it was objected by several of the members. So this is just a reminder this is something that actually some of us in the Saipan Legislative Delegation had already voted in favor of and was passed. Thank you.

Acting Speaker Ogumoro: Are there any further discussion?

Several members voiced “ready”.

Acting Speaker Ogumoro: Roll call.

The Clerk called the Roll on the motion to pass H.B. 17-88 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	absent (excused)
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	yes
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

Acting Speaker Ogumoro: H. B. 17-88 has passed the House. Floor Leader, recognized.

MISCELLANEOUS BUSINESS

Acting Speaker Ogumoro: Mr. McGinnis-Torres, recognized.

Mr. Stanley McGinnis-Torres: Madam Speaker, just to share the frustration and I am not going to say anger. The Chairperson of the Zoning Board has written the Governor a nasty letter about my amendments. I hope that the next Delegation session we will deal with that or with her. Thank you.

Acting Speaker Ogumoro: Thank you. Is there anything else, if none. We move to announcements.

ANNOUNCEMENT

Acting Speaker Ogumoro: Mr. Benavente, recognized.

Mr. Diego Benavente: Madam Speaker, if there is a chance we would have to meet sooner than Friday, which if we adjourn subject to the Call we would have to have that three day announced requirement. So should be recess to a certain day so that we could be ready? And what does the Open Government Act allow us to do in order to accommodate the legislation that we are sending back to the Senate?

Acting Speaker Ogumoro: If we recess we have to convene in twenty four hours (24). But there has been a recommendation that we adjourn and meet as soon as we are ready to meet pending the actions of the Senate of H. B. 17-78 and its transmittal to the House. So the plan is that we are standing by to call that session and I think we can go ahead and adjourn unless there is a reason to just recess and instead of adjourning. Short recess.

The House recessed at 3:10 p.m.

RECESS

The House reconvened at 3:15 p.m.

Acting Speaker Ogumoro: We are back in session. Floor Leader, may I hear the motion to recess.

Floor Leader Camacho: I would like to move to recess until one o'clock tomorrow afternoon.

There was no objection from the Floor, and the House stood recessed at 3:15 p.m., and will reconvene on Tuesday, June 29, 2010, at one o'clock in the afternoon.

RECESS

The House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature reconvened its Seventh Day, Second Regular Session on Tuesday, June 29th, 2010, at 1:39 p.m.

Acting Speaker Ogumoro: We are back in session. I now recognize the Floor Leader.

Floor Leader Camacho: Thank you, Madam Speaker, I move to amend the day's agenda so that we may include Sen. Comm. 17-60.

The motion was seconded.

Acting Speaker Ogumoro: Roll call, Clerk.

The Clerk called the Roll on the motion to amend the day's Agenda 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	absent (excused)
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	yes
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

Acting Speaker Ogumoro: Thank you. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Madam Speaker, I move to place Sen. Comm. 17-60 under item 7 of the day's agenda.

The motion was seconded.

SENATE COMMUNICATIONS

The Chair recognized the Floor Leader.

Floor Leader Camacho: I would now move to accept Sen. Comm. 17-60, returning H. B. 17-78, HD1, SD1, to the House which has been amended and now reads, H. B. 17-78, HD1, SS1 to place on today's Bill Calendar for action.

The motion was seconded

Sen. Comm. 17-60: Returning H. B. 17-78, HD1, entitled, "To amend Section 3 of Public Law 16-7 and for other purposes," which was passed by the Senate, with amendments, on June 29, 2010 in the form of **H. B. 17-78, HD1, SD1**.

Acting Speaker Ogumoro: Discussion on the motion.

Several members voiced "ready" and being no discussions on the Floor the motion was carried by voice vote.

BILL CALENDAR

Acting Speaker Ogumoro: I now recognize the Floor Leader.

Floor Leader Camacho: Thank you, Madam Speaker, I move for the passage of H. B. 17-78, HD1, SS1 on First and Final Reading.

The motion was seconded.

Introduced by Representative Ray N. Yumul, of Saipan, Precinct 4, for (himself) on May 25, 2010, in an open and public meeting with an opportunity for the public to comment on May 25, 2010 and June 18, 2010. [The bill was referred to the Committee on Ways and Means; was withdrawn from committee and placed on the Calendar on June 18, 2010. The bill was passed on First and Final Reading with amendments in the form of House Bill 17-78, HD1 and transmitted to the Senate. The Bill was Read in the Senate and passed on First and Final Reading, June 29, 2010 with amendments in the form of House Bill 17-78, HD1, SS1.]

H. B. 17-78, HD1, SS1

A Bill for an Act to amend Section 3 of Public Law 16-7 and for other purposes.

Acting Speaker Ogumoro: Mr. Dela Cruz, recognized.

Mr. Francisco Dela Cruz: I apologize, Madam Speaker, I was out of the office for a little while and I guess the Body had discussed during the recess the itemized amount versus the total amount – has that been clarified?

Acting Speaker Ogumoro: Yes, on page 3, of the bill, that Five Million Seven Hundred Thousand Dollars (\$5,700,000.00) will now read Seven Million Four Hundred Thousand Dollars (\$7,400,000.00). Mr. Benavente, recognized.

Mr. Diego Benavente: Under clarification as we have agreed with and this is something that I believe was technical error and it should read Three Million Four Hundred Thousand Dollars (\$3,400,000.00) plus Four Million Dollars (\$4,000,000.00) for a total of Seven Million Four Hundred Thousand Dollars (\$7,400,000.00).

Acting Speaker Ogumoro: Legal Counsel, did you have something to add?

LC J. Taijeron: *Madam Speaker, just for the record if you add up subsections (a) through (d) you will get seven million four hundred thousand dollars (\$7,400,000.00). So the amendment is just a technical in that nature. It does not add any money to the bill. It does not subtract money. It just reflects the entirety of the transaction.*

Acting Speaker Ogumoro: Thank you. Mr. Cabrera, recognized.

Mr. Eliceo Cabrera: Madam Speaker, just for clarification. The pass few days I have been out at Rosaries, Stores, Wakes, and we were just cornered on the side on numerous occasion forcing us and a lot of people I believe have the idea that this Four Million Dollars (\$4,000,000.00) is all for the payroll. And just for clarity there is no mention on this bill that the Four Million Dollars (\$4,000,000.00) will be going for the salaries of the Government employees. I just want to clarify that because a lot of people out there are saying that we have to pass it right away because Friday is coming up. I have been looking through this and discussing it with some of the members and now that we are going to pass this and I have no objections on voting this legislation I am supporting the legislation, but I just want the public out there to realize that this bill have no mention of salaries. So I just hope that they understand it. Thank you.

Acting Speaker Ogumoro: You are correct, in your interpretation, Mr. Cabrera. Mr. Dela Cruz, recognized.

Mr. Francisco Dela Cruz: Thank you, Madam Speaker. I do not wish to sound repetitive as per Mr. Cabrera, but yes, there has been concerns out in the community most especially Government employees. They read in the paper that the Lieutenant Governor is looking at funding from the Commonwealth Development Authority (CDA) to pay for salaries. Even myself, I am not too clear as to what the (\$4,000,000.00) is actually going to be used for. Is this all for the Commonwealth Utilities Corporation (CUC), some for salaries I think we owe it to our people out there to let them know what this (\$4,000,000.00) is for. Is it just for the CUC fuel, obligation payments to again Telesources, and PMIC, what is the intent of the (\$4,000,000.00)? We are Representatives of these people out there and we owe it to explain to them what it is and what is the fate of the coming payroll. That is something that we need to discuss and bring to the public. Thank you.

Acting Speaker Ogumoro: Thank you, Mr. Dela Cruz. I now recognize, Mr. Yumul.

Mr. Ray Yumul: Thank you, Madam Speaker and to Mr. Dela Cruz, which brought up a very good point and so did Mr. Cabrera that we did not specify in detail what the (\$4,000,000.00) would be used for, but if I can direct the members attention to page 4, lines 9 through 12, Section 3, "funds in excess of budget has been added" basically stating that at the end of this Fiscal Year 2010 any and all funds received in excess of the budgetary limits as set forth by the applicable continuing appropriation act shall be reported to the Legislature and then be used solely to retire the deficit. What this section means is that we do have a continuing appropriation act that was set forth under Public Law 16-32. The issue that we are confronted with in this period is the lack of liquid cash.

We still have another thirty plus days before the Business Gross Revenue Tax (BGRT) is collected and due. This provision will allow the Government to receive an injection of liquid cash, however, this money is not going to be used to an additional expenditure. It will be accounted for under Section 3, and at the end of this Fiscal Year when we collect our fourth quarter BGRT and those funds that are going to come in if there are unused that would be the one to be used to retire the deficit that is why this section was put in specifically for that. Thank you.

Mr. Francisco Dela Cruz: Do I still hold the Floor, Madam Speaker?

Acting Speaker Ogunoro: You may continue.

Mr. Francisco Dela Cruz: Yes, Section 3, is pretty clear and the deficit should be retired. I guess going back to question of payroll which I believe is one of the biggest concerns. Where are we at this point in as far as meeting this coming Friday's payroll? Are we just now sitting back waiting for the Lieutenant Governor to get the go ahead sign from CDA? Is that what we are looking at? I think we need to put some clarity on that issue. If there is no payroll by this Friday this will be a second time that this would happen. And I think we owe it to the Government employees to inform them, but how can we inform those individuals out there when we ourselves are not even informed. That is the biggest concern right now. How do we tell the people out there that this is what is happening but we do not know what is happening. I believe there was a meeting this morning was this discussed during that meeting. Did somebody discuss the payroll issue that is coming up?

Acting Speaker Ogunoro: Let me answer that, Mr. Dela Cruz. That is why when we called the meeting I made it a point to stress that all of us have to be at the meeting this morning so that we do understand especially talk about the bill that we are considering right now. This legislation has nothing to do with payroll. That was made very clear in the meeting this morning. And as far as us meeting the payroll needs for our people that was never mentioned as a problem either. So that is the only information that I have. I do know that we have already authorized our Governor giving him the reprogramming authority to get the necessary cash that we need from the Independent Agencies that he needs to tap into for funding. And when I do know that the issue of whether or not we are going to meet the payroll was never brought up as a problem and I take that to mean that we are going to be meeting the payroll this Friday. We were concerned from the very beginning as to that very issue that you were bringing and there was no indication and there is as of now no indication that we are not meeting payroll this Friday. The only thing that was made very clear was that we do need to pass the bill that we are discussing right now to take care of the CUC emergency needs. Mr. Yumul, recognized.

Mr. Ray Yumul: Thank you. To answer in part of Mr. Dela Cruz's questions about the meeting we had this morning over at the Governor's Conference Room, the issue centered primarily on H. B. 17-78, HD1, SD2, which was basically Senator Ralph Torres' proposed amendments which they actually passed last Wednesday and that had to do with the One Million Dollars (\$1,000,000.00) for the purchase of MRI or a sixty four slice CT Scanner in addition to Two Hundred Fifty Thousand Dollars (\$250,000.00) for the purchase of medicines and dialysis supplies. And the concerns that the Governor and the Lieutenant Governor had with this legislation before us today will be paid back. The MPLT would be authorized to withhold interest income until these moneys is returned back to them. And the amendments that were made by Senator Torres could be answered through the reprogramming of CIP funds. And as we know if we use CIP moneys for Capital Projects we do not have to pay that back. So that was a very big point that was made. The Governor and the Lieutenant Governor gave Senator Torres and the rest of us the assurance that they would look into

his issues, namely the amendment and he accepted which in turn made the Senate remove that amendment just before lunch time today and I believe that – that has been resolved. Thank you.

Acting Speaker Ogumoro: Yes, Mr. Benavente, you are recognized.

Mr. Diego Benavente: I did not attend the meeting this morning, although, I attended the meeting when the Lieutenant Governor who was Acting Governor at the time who came over. It was explained to us that the situation is a cash flow problem. There is just not enough cash in the Bank to meet not only payroll but utilities payments. I know that the concerns raised by Mr. Cabrera regarding whether this rush to pass this legislation is because we want to avoid further delay in payroll or to make payroll this weekend. And the concerns raised by Mr. Dela Cruz is that is it going to be by us acting and rushing this legislation as we have been doing the last few days whether are we going to make sure then that there will not be payless paydays this Friday. From reading the bill and if you can turn your attention on page 3, line 19, there is this Four Million Dollars (\$4,000,000.00) that is going to be advance to the General Fund. Once again the Government's pressing payments is currently is the need to pay utilities because of the need to purchase fuel, that is just as critical as the need to make payroll. So if we are trying to avoid Article X of the Constitution which says that the Government may not borrow for operation and the Government is somehow getting this cash and not using it for payroll because it is not described in the legislation whether that avoids Article X, I do not know, but if that is a way in which we can use these funds to then go to CUC and whatever funds available in the account use that for payroll that accomplishes the goal of getting payroll as well as making CUC payments for utilities and of course for fuel purchases. That is how I am understanding it and at this time I am in agreement that however this is going to work I just want to make sure that people get paid this Friday and of course CUC gets paid so that there will not be any issue with fuel purchases in the future. Thank you.

Acting Speaker Ogumoro: Mr. Cabrera, recognized.

Mr. Eliceo Cabrera: Yes, I move to end debate so that we can act on the bill.

Acting Speaker Ogumoro: Let me just recognize, Mr. Tebuteb before we close debate.

Mr. Ramon Tebuteb: Thank you, Madam Speaker. I am not sure and I know that this is a Senate Substitute but not sure part of the reason and maybe any of the members can answer the advancement. I had asked Mr. Yumul if this is a loan and he said no this is an advance. And so my simple question is, it excludes the advance from the funds to be realized through the Article XI, Section 6 (d), why did we exclude Fiscal Year 2011?

Acting Speaker Ogumoro: Mr. Yumul, recognized.

Mr. Ray Yumul: Thank you. My Ways and Means Chairman gave me the go signal to answer that. The reason why future interest income distribution for 2011 was excluded is because just earlier today Mr. Basa House Concurrent Resolution was accepted and passed by the Senate without any amendments. The Budget that is sitting before the Committee for FY 2011 includes the MPLT interest income for FY 2011. So to maintain a balance budget we have to exclude it from this bill and FY 2012 and on will be the future interest income will be used to repay these amounts. So that was the reason why that we had to exclude FY 2011 because we are already in the middle of deliberating a budget and it would be very difficult to try to undo what was already prepared by the Administration through the submission of their budget. Thank you.

Acting Speaker Ogumoro: Did that answer your question, Mr. Tebuteb.

Mr. Ramon Tebuteb: Just a little, thank you, Mr. Yumul. Off the record maybe I will ask Mr. Yumul or any of the members including the Legal Counsel if this bill is a loan.

Acting Speaker Ogumoro: Legal Counsel?

LC J. Taijeron: Madam Speaker, I am just going to be very technical and I apologize to Representative Tebuteb for...

Mr. Ramon Tebuteb: May I interrupt, could I have a yes or no.

LC J. Taijeron: The answer to the question is no, it is not a loan, but may I explain, please. This bill that you are looking at SSI is a legislative authority to earmark. What they do with that authority is another question, and I do not want to answer that question.

Mr. Ramon Tebuteb: Madam Speaker, do I still hold the Floor?

Acting Speaker Ogumoro: You still hold the Floor, Mr. Tebuteb.

Mr. Ramon Tebuteb: Thank you. I am glad that you mentioned that if this is not the case or the issue on not about a payroll bill that it is only to address CUC and Mr. Yumul suggested liquid cash. I am in agreement with Mr. Dela Cruz. I am also one who needs to be informed. The title of the bill reads "To amend Section 3 of Public Law 16-7" and although it is only amending Section 3 of that I would like to also find out what is the real recent status of Section 4 of that particular Public Law. And I guess from then I can be firm in my decision whether I am going to support this not a payroll bill but a CUC and liquid cash issue and maybe to define further the definition of "most drastic emergency" as stipulated in the bill itself.

Acting Speaker Ogumoro: Let us have a short recess.

The House recessed at 2:05 p.m.

RECESS

The House reconvened at 2:10 p.m.

Acting Speaker Ogumoro: We are back in session. Mr. Tebuteb, recognized.

Mr. Ramon Tebuteb: I realize also that the cost for fuel and the need for the Administration to purchase this fuel is of an urgent matter at the same time because the reprogramming authority that we have given him – a simple would be then if CUC or this Administration could at least give us a simple maybe through you or maybe through the Chairman of Ways and Means or the members on what exactly is the state of the CUC on that matter – the fuel matter that is the main jest of this legislation.

Acting Speaker Ogumoro: Thank you, Mr. Tebuteb, I do share your concerns and what I would like to do is to ask that we move forward with this bill and we will schedule and work with the

appropriate Committee to schedule a meeting that we need to have in order to know the state of our CUC. And now I would like to recognize the motion to end debate.

The motion was seconded by Ms. Santos.

Acting Speaker Ogumoro: So we will now take a vote on the motion that was offered to pass H. B. 17-78, HD1, SS1, Clerk, roll call.

The Clerk called the Roll on the motion to pass H.B. 17-78, HD1, SS1 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	no
Representative Joseph P. Deleon Guerrero	absent (excused)
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	yes
Representative Antonio P. Sablan	yes
Representative Teresita A. Santos	yes
Representative Ramon A. Tebuteb	no
Speaker Froilan C. Tenorio	absent (excused)
Representative Stanley McGinnis Torres	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ray N. Yumul	yes

Acting Speaker Ogumoro: H. B. 17-78, HD1, SS1 has passed the House. Floor Leader, recognized.

ADJOURNMENT

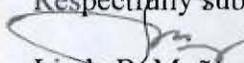
The Chair recognized the Floor Leader.

Floor Leader Camacho: Thank you, Madam Speaker, I move to adjourn subject to the call of the Chair.

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

The House adjourned June 29, 2010 at 2:13 p.m.

Respectfully submitted,


Linda B. Muña, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

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

SECOND APPEARANCE: NONE

THIRD APPEARANCE: NONE