



HOUSE OF REPRESENTATIVES

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2013

LEGISLATIVE JOURNAL

Fourth Day

Tuesday, February 26, 2013

The House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature convened its Fourth Day, First Regular Session on Tuesday, February 26, 2013, at 1:45 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Francisco S. Dela Cruz, Speaker Pro Tem of the House, presided.

A moment of silence was observed.

ROLL CALL

The Clerk called the roll and nineteen members were present. Speaker Joseph P. Deleon Guerrero was absent.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Clerk. Please take note that Speaker Deleon Guerrero is out with a very bad cold. With 19 present and 1 absent we have established a quorum. At this time let us move down to item II, Public Comments.

PUBLIC COMMENTS

Speaker Pro Tem Francisco S. Dela Cruz: Anyone in the gallery that wishes to make any comments on anything on the agenda for today you can please step forward to the microphone on the podium. Please state your name for the record before you commence your comment.

The following individuals made comments:

Mr. Herman Guerrero

Speaker Pro Tem Francisco S. Dela Cruz: I believe that is the end of the Public Comment item. We will now move down to Adoption of Journals.

ADOPTION OF JOURNALS

The Clerk announced that there are no journals for adoption.

INTRODUCTION OF BILLS

House Bills:

Speaker Pro Tem Francisco S. Dela Cruz: There being no journals to adopt, we will move to item IV, Introduction of bills and I now recognize Representative Conner.

Representative Trenton B. Conner: Thank you, Mr. Speaker. I am officially introducing House Bill 18-17, this is “To amend Public Law 17-8 Section 2 to include necessary changes to finalize projects associated with the original intent of the reprogramming of the One Million Dollars (\$1,000,000.00) as appropriated under Section 2(b) of Public Law 13-56; and for other purposes.” Thank you.

H. B. NO. 18-17

To amend Public Law 17-8 Section 2 to include necessary changes to finalize projects associated with the original intent of the reprogramming of the One Million Dollars (\$1,000,000.00) as appropriated under Section 2(b) of Public Law 13-56; and for other purposes.

REP. TRENTON B. CONNER of Tinian, Precinct 6 (*for himself*)

(Referred to the Committee on Ways and Means)

Speaker Pro Tem Francisco S. Dela Cruz: Thank you and I recognize you again.

Representative Trenton B. Conner: Thank you, Mr. Speaker. I am officially introducing House Bill 18-18, this is “To repeal and re-enact 1 CMC §8392, Ambulance Fee Account; and for other purposes.” Thank you.

H. B. NO. 18-18

To repeal and re-enact 1 CMC §8392, Ambulance Fee Account; and for other purposes.

REP. TRENTON B. CONNER of Tinian, Precinct 6 (*for himself*)

(Referred to the Committee on Ways and Means)

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Conner. At this time, I will recognize the Floor Leader.

Floor Leader Rafael S. Demapan: *Si Yu’us ma’ase*, Mr. Speaker. This is to officially introduce House Bill 18-19, “To establish a safety measure for instances where a vehicle overtakes a bicycle on a public road or highway; and for other purposes.” Introduced by myself, thank you.

H. B. NO. 18-19

To establish a safety measure for instances where a vehicle overtakes a bicycle on a public road or highway; and for other purposes.

REP. RAFAEL S. DEMAPAN of Saipan, Precinct 2 (*for himself*)

(Referred to the Committee on Judiciary and Governmental Operations)

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Demapan. Representative Sablan recognized.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. This is to formally introduce House Bill 18-20, “To allow the Department of Public Lands (DPL) to grant revocable consent without fees to individuals, businesses, or organizations to construct and maintain certain structures on public property such as driveways and sideways; and for other purposes.” Thank you.

H. B. NO. 18-20

To allow the Department of Public Lands (DPL) to grant revocable consent without fees to individuals, businesses, or organizations to construct and maintain certain structures on public property such as driveways and sideways; and for other purposes.

REP. ANTONIO P. SABLAN of Saipan, Precinct 1 (*for himself*)

(Referred to the Committee on Natural Resources)

Speaker Pro Tem Francisco S. Dela Cruz: Please continue, Representative Sablan.

Representative Antonio P. Sablan: Thank you again, Mr. Speaker. This is to formally introduce House Bill 18-21, “To provide a tax credit for business entities that hire United States citizens.” Thank you.

H. B. NO. 18-21

To provide a tax credit for business entities that hire United States citizens.

REP. ANTONIO P. SABLAN of Saipan, Precinct 1 (*for himself*)

(Referred to the Committee on Ways and Means)

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Sablan. I now recognize Minority Leader Camacho.

Representative George N. Camacho: Thank you, Mr. Speaker. I would like to go ahead and formally introduce House Bill 18-22, this is “To establish and clearly define the authority of the Department of Public Works to promulgate rules and regulations within the Rights of Way (ROW).” Thank you, Mr. Speaker.

H. B. NO. 18-22

To establish and clearly define the authority of the Department of Public Works to promulgate rules and regulations within the Rights of Way (ROW).

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

(Referred to the Committee on Judiciary and Governmental Operations)

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Minority Leader. Representative Antonio Sablan.

Representative Antonio P. Sablan: Thank you again, Mr. Speaker. This is to formally introduce House Bill 18-23, “To provide a tax incentive for individuals and businesses that purchase renewable energy devices.” Thank you.

H. B. NO. 18-23

To provide a tax incentive for individuals and businesses that purchase renewable energy devices.

REP. ANTONIO P. SABLAN of Saipan, Precinct 1 (*for himself*)
(Referred to the Committee on Ways and Means)

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Sablan. And if there is no objection, I have one legislation to introduce.

Several members voiced “no objection”.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you. I am introducing House Bill 18-24, “To authorize the Commonwealth Utilities Corporation (CUC) to advertise disconnection dates on the local newspapers rather than sending out notices to its rate payers; and for other purposes.” I invite anyone who wishes to coauthor this legislation. Thank you. Moving down to House Local Bills, I recognize Representative Agulto.

H. B. NO. 18-24

To authorize the Commonwealth Utilities Corporation (CUC) to advertise disconnection dates on the local newspapers rather than sending out notices to its rate payers; and for other purposes.

REP. FRANCISCO S. DELA CRUZ of Saipan, Precinct 3 (*for himself*, Representatives Lorenzo I. Deleon Guerrero, Christopher D. Leon Guerrero, Antonio P. Sablan, Trenton B. Conner, Antonio R. Agulto, Ramon A. Tebuteb, Mariano Taitano, Roman C. Benavente, and Anthony T. Benavente)
(Referred to the Committee on Public Utilities, Transportation and Communication)

House Local Bills:

Representative Antonio R. Agulto: Thank you, Mr. Speaker. I would like introduce House Bill 18-9 “To amend and to re-appropriate the fund balances from Business Units 3748 (Saipan Local Law 15-11) and 3752F (Saipan Local Law 17-16) for various development projects in Precinct V; and for other purposes.” Thank you, Mr. Speaker.

H. L. B. NO. 18-9

To amend and to re-appropriate the fund balances from Business Units 3748 (Saipan Local Law 15-11) and 3752F (Saipan Local Law 17-16) for various development projects in Precinct V; and for other purposes.

REP. ANTONIO R. AGULTO of Saipan, Precinct 5 (*for himself*, Representatives Lorenzo I. Deleon Guerrero, and John Paul P. Sablan)

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Agulto. We will now go down to item V, Introduction of Resolutions and I now recognize Representative Santos.

House Legislative Initiatives: None

INTRODUCTION OF RESOLUTIONS

House Resolutions:

Representative Teresita A. Santos: Thank you, Mr. Speaker. I would like to introduce House Resolution 18-5, “To recognize and commend Florie Nadine Manglona Mendiola for receiving her Doctorate Degree in Education with an emphasis in Organizational Leadership at Pepperdine University in Los Angeles, CA.” Thank you, Mr. Speaker. Privilege.

H. R. NO. 18-5

To recognize and commend Florie Nadine Manglona Mendiola for receiving her Doctorate Degree in Education with an emphasis in Organizational Leadership at Pepperdine University in Los Angeles, CA.

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

Speaker Pro Tem Francisco S. Dela Cruz: Proceed.

Representative Teresita A. Santos: At this time, I would like to ask to be excused as the Rota Legislative Delegation is having its meeting about the same time with the dialysis and ill patients. Thank you.

Speaker Pro Tem Francisco S. Dela Cruz: Alright, Representative Santos. Before I permit you to leave, I did take a look at the resolution and I wondered whether you wanted to make an amendment or would you like to consider it a technical with regards to sending the resolution. I notice that it is going to be sent to former Governor Fitial instead of Governor Inos. So would you want to consider it as a technical and we will have the House Clerk make the changes to reflect Governor Inos as the recipient?

Representative Teresita A. Santos: That is correct, Mr. Speaker. I believe this House Resolution was prefiled prior to us conducting our session today and also prior to the former Governor electing to step down. Thank you.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Santos and you are excused for the day. On House Resolution 18-6, I now recognize Representative Lorenzo Deleon Guerrero.

Representative Lorenzo I. Deleon Guerrero: Thank you, Mr. Speaker. House Resolution 18-6, “To respectfully request and encourage the Department of Community and Cultural Affairs (DCCA), Chamber of Commerce, Hotel Association of the Northern Marianas Islands (HANMI), Korean Community of Saipan and other business establishments in the Commonwealth of the Northern Mariana Islands to extend the privilege of honoring our senior citizens (55 years old and above) to avail for discounts at their establishments.”

H. R. NO. 18-6

To respectfully request and encourage the Department of Community and Cultural Affairs (DCCA), Chamber of Commerce, Hotel Association of the Northern Marianas Islands (HANMI), Korean Community of Saipan and other business establishments in

the Commonwealth of the Northern Mariana Islands to extend the privilege of honoring our senior citizens (55 years old and above) to avail for discounts at their establishments.

REP. LORENZO I. DELEON GUERRERO of Saipan, Precinct 5 (*for himself*)

Speaker Pro Tem Francisco S. Dela Cruz: Minority Leader.

Representative George N. Camacho: Thank you, Mr. Speaker. If there is no objection as it is in your authority, can we go ahead and put these resolutions on the calendar for action today?

Speaker Pro Tem Francisco S. Dela Cruz: I plan to put all resolutions on the calendar for action today.

Representative George N. Camacho: Thank you, Mr. Speaker.

Speaker Pro Tem Francisco S. Dela Cruz: You are welcome. Continue on Representative Deleon Guerrero.

Representative Lorenzo I. Deleon Guerrero: Thank you, Mr. Speaker. House Resolution 18-7, “To respectfully urge the Honorable Eloy S. Inos, Governor of the Commonwealth of the Northern Mariana Islands to solicit lending institutes to avail residential home owners and/or businesses with loans for the sole purpose of renewable energy.” Thank you, Mr. Speaker.

H. R. NO. 18-7

To respectfully urge the Honorable Eloy S. Inos, Governor of the Commonwealth of the Northern Mariana Islands to solicit lending institutes to avail residential home owners and/or businesses with loans for the sole purpose of renewable energy.

REP. LORENZO I. DELEON GUERRERO of Saipan, Precinct 5 (*for himself*)

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Deleon Guerrero. We are now moving to House Joint Resolutions and I recognize Representative Agulto.

House Joint Resolutions:

Representative Antonio R. Agulto: Thank you, Mr. Speaker. House Joint Resolution 18-3, “To request assistance from United States Ambassador Gary F. Locke in repatriating Mr. Jing Zhi Quiang to his home country due to CHC’s inability to provide further care.” Thank you, Mr. Speaker.

H. J. R. NO. 18-3

To request assistance from United States Ambassador Gary F. Locke in repatriating Mr. Jing Zhi Quiang to his home country due to CHC’s inability to provide further care.

REP. ANTONIO R. AGULTO of Saipan, Precinct 5 (*for himself*)

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Agulto. If there is no objection I also have a House Joint Resolution to introduce.

Several members voiced “no objection”.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you very much. Introducing House Joint Resolution 18-4, “Requesting that the Attorney General and the Governor take the necessary actions for the extradition of former Attorney General Edward T. Buckingham.” This is introduced by myself and I also invite anyone who wishes to partake in this resolution, you are more than welcome. All House Resolution and House Joint Resolutions will be moved to the Resolution Calendar as introduced today. At this time we move on down to Message from the Governor, item VI. Clerk.

H. J. R. NO. 18-4

Requesting that the Attorney General and the Governor take the necessary actions for the extradition of former Attorney General Edward T. Buckingham.

REP. FRANCISCO S. DELA CRUZ of Saipan, Precinct 3 (*for himself*)

House Commemorative Resolutions: None

House Concurrent Resolutions: None

MESSAGES FROM THE GOVERNOR

Clerk: Mr. Speaker, we have Governor’s Communication 18-7 to 18-11.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Clerk. Any discussion? Representative Villagomez, you are recognized.

Representative Edmund S. Villagomez: Thank you, Mr. Speaker. This is regarding Governor’s Communication 18-10, before I go any further I just want to let my colleagues know that I am not going to be asking for an override of this bill, but I was totally caught off guard when I found out that House Bill 17-185, HD1, a bill which I introduced in the 17th Legislature it was vetoed by our former Governor. I am just going to base my comments on the veto message. I was going to reintroduce this bill in the 18th Legislature; anyway I had one concern so either way the veto in a sense worked in my favor. However, my concern was not the same as the Marianas Visitors Authority’s (MVA) concern, which bothers me. According to the Governor’s veto message, MVA raised some serious concerns and they are: “the programs funding source to carry out the duties, the additional cost for personnel and additional cost for equipment and also the broad definition of tour guide.” My concern was the \$50,000.00 minimum investment requirement. I was concerned that this might interfere or have some kind of problem because we do not determine that any more since the federal government has taken over our immigration and that is a foreign investment issue. So that was my main concern. I did not want to make it seem like we are trying to work our way around federal regulations or try to make it weaker that was an oversight on my part. However, one can argue that federal law suit precedes local law suit so it should not be a problem, but in any case I want to clear out that confusion. One can also argue that \$50,000.00 might be too high of a requirement or that we should not tell businesses how much to invest, but when we controlled our foreign investment, the minimum investment requirement for foreign investors for any type of business was \$50,000.00. It was later amended or changed in the mid or late nineties to \$150,000.00 anything less and the business would have

their permit taken away. I find it odd that MVA would not fully support this bill. This bill is pretty much their bill. I can remember pushing for this legislation along with MVA when I was an employee of the Department of Commerce and I am talking about as far back as 2007. This bill has been passed by the House since the 13th Legislature and for whatever reason it never got to through the Senate except in this past 17th Legislature. In terms with the programs funding source, the bill provides for MVA to establish fees for the training and courses. In addition they have been pushing for this bill even when their budget was slowly being cut. We are also looking at passing House Bill 18-2, HD1, which may provide for funding – that funding can probably take care of other cost for equipment additional personnel and other cost to carry out the program. In terms of the broad definition of “tour guide” again this is MVA’s bill, it has their fingerprints all over it. The former Governor’s Message calls for the Legislature to work closely with MVA on this matter and I do not how much closer the Legislature and MVA can work together on this matter. Like I mentioned, this bill has been worked on with MVA’s input, recommendations, and request since the 13th Legislature and has been improved on since then because of more recommendations coming from MVA, but in any case I would like to commend MVA for bringing up these serious concerns that is better than pushing hard for one of their bills and request only to not carry on with it later when it becomes law. So like I said, I am not asking for an override. I am going to address my concern and also make sure that any other concern that comes up be addressed regarding this matter before I introduce it again. Thank you, Mr. Speaker.

GOV. COMM. 18-10: (2/19/13) Informing the House that he vetoed H. B. No. 17-185, HD1 (To authorize MVA to regulate tour operators and tour guides.). [For information]

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Villagomez that is well noted. Further discussions on Governor’s Communications 18-7 to 18-11, there being none we now move down to the Senate Communications, Clerk.

There were no discussions for the following Governor’s Communications.

GOV. COMM. 18-7: (2/15/13) Informing the House that he signed into law H. L. B. NO. 18-3, S1 (Appropriating \$75,880.00 from local license fees collected for poker and pachinko slot machines for the First Senatorial District.). Became **Rota Local Law 18-1**. [For info]

GOV. COMM. 18-8: (2/20/13) Resignation of Benigno R. Fitial, Governor of the Commonwealth of the Northern Mariana Islands.

GOV. COMM. 18-9: (2/19/13) Informing the House that he signed into law H. L. B. NO. 17-147 (Commonwealth Employment Act of 2007 amendment pertaining to non-resident medical coverage.). Became **Public Law 17-92**. [For information]

GOV. COMM. 18-11: (2/22/13) **Executive Order 2013-03** – Declaration of a State of Emergency: Commonwealth Utilities Corporation’s Imminent Generation and other Failure and the Need to Provide Immediate Reliable Power, Water and Wastewater services.

SENATE COMMUNICATIONS

Clerk: Mr. Speaker, we have two items Senate Communication 18-6 and 18-7.

Speaker Pro Tem Francisco S. Dela Cruz: Discussion, Representative Antonio Sablan.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. I would just like to make a comment with regards to Senate Communication 18-7, entitled “Informing the House that the Senate officially cancelled its impeachment proceedings pursuant to the resignation of Governor Benigno R. Fitial during its emergency session held on February 20, 2013.” I would just like to address the issue to the Chair if there is any other further action that the House would need to take in regards to this matter. I know that members of the presentation or the house managers were formally announced by Speaker Guerrero so I just wanted to bring the attention to the Chair so that we can bring final resolution to this matter. Thank you.

SEN. COMM. 18-7: (2/21/13) Informing the House that the Senate officially cancelled its impeachment proceedings pursuant to the resignation of Governor Benigno R. Fitial during its emergency session held on February 20, 2013. [For info]

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Sablan. I know that when the Governor had submitted his letter of resignation, he submitted it to both Houses, the lower House and the Senate and I know the impeachment proceeding was at the court of the Senate. I do not believe that the House had any other purview to the matter except for the fact that House managers were formulated and in the process of prosecuting in the Senate. I do not believe though that the lower House has any say or would need to make or take actions with regards to the resignation of the Governor. At this time I would ask the Legal Counsel for his opinion.

Legal Counsel John Cool: After the Senate has cancelled the impeachment proceedings there is no further action that the House needs to take.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you. Representative Sablan.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. With the response of the Legal Counsel the matter is noted and I am satisfied. Thank you.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Sablan. If there is no objection real quickly, I would ask to go back to line item VII, Senate Communications and I ask the Floor Leader to effectuate a motion to accept all Senate Communications so that it becomes property of this House. Thank you, Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. This is to make a motion to accept Senate Communication 18-6 and 18-7, so move.

The motion was seconded.

Speaker Pro Tem Francisco S. Dela Cruz: The motion is to accept all Senate Communications and now to adopt.

There was no discussion and the motion to accept Senate Communications 18-6 and 18-7 so they may become property of the House was carried by voice vote. There was no nay vote.

Speaker Pro Tem Francisco S. Dela Cruz: We will now move down to item VIII, House Communications, Clerk.

There were no discussions made for the following Senate Communication.

SEN. COMM. 18-6: (2/19/13) Informing the House of its commencement of the Impeachment Trial of Benigno R. Fitial, Governor of the Commonwealth of the Northern Mariana Islands. [For info]

HOUSE COMMUNICATIONS

Clerk: Mr. Speaker, we have House Communication 18-22 to 18-24.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you. Any discussions to House Communications? There being none, we will move down to Miscellaneous Communications.

There were no discussions made for the following House Communications.

Hse. Comm. 18-22: (2/13/13) From Representative Antonio P. Sablan, W&M Chair, appointing members to the House Standing Ways and Means.

Hse. Comm. 18-23: (2/14/13) From Representative Seman informing the Speaker that he will be off-island from Wednesday, February 20, 2013 until Monday, February 25, 2013, and request to be excused from any sessions.

Hse. Comm. 18-24: (2/1/13) From Speaker Joseph P. Deleon Guerrero informing Mr. Walden DC Weilbacher, Association of Pacific Island Legislatures (APIL) Secretariat, of his appointment as CNMI Delegate to the APIL.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

MISCELLANEOUS COMMUNICATIONS

Clerk: We have one item Mr. Speaker, Miscellaneous Communication 18-1.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Clerk. Discussion, Representative Tebuteb.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. On Miscellaneous Communication 18-1, this is a Xerox copy although the Attorney General's name is changed this information that is provided from the Attorney General's Office with respect to the unpaid judgment and settlement is nothing new and I would like to recommend that the Chair look at the respective itemized judgment or settlement cases and perhaps provide this to respective committees. For example, if we are looking at item V, and item V is the responsible entity is the Department of Public Lands and Natural Resources that the Chair provides this specific item listed from the letter from the Attorney General to their respective committee and perhaps work along the line with recommendation to the Chairman of Ways and Means so that we affect whatever funding source that this respective line agencies have. Even with the judgment on land compensation, say the Chair would assign this respective line item to Natural Resources so that we look at the

possible resolutions to the judgment when we have the post or even interest post judgment interest alone has cost the government quite a lot. So my recommendation would be that the respective committee, Natural Resources in this case. Perhaps look at the land leases and affect some percentage so that it goes to pay for the judgment on the settlements of these cases. Thank you.

MISC. COMM. 18-1: (2/1/13) From the Attorney General informing the Legislature of currently outstanding and unpaid judgments and settlements.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Tebuteb. Representative Anthony Benavente, please take note on this particular issue and maybe report back to the full body at another scheduled session. Also Chair Antonio Sablan of Ways and Means, since this has to do a great deal with financial resources and judgments continue to compound, please also take note so that we may further get some ideas to the issue at hand. Representative Tebuteb, did you wanted to add more?

Representative Ramon A. Tebuteb: Kind of Mr. Speaker since you recognize me I will relook at item VII and item X, for example the *Felipe O. Atalig v. Department of Public Work*, in the amount of \$179,572.59 and the responsible government entity in this case is the Department of Public Work. I believe the appropriate committee would be the Judiciary and Governmental Operations (JGO) and so we are looking at the budget submission and those are some of the things that we need to consider with respect to this judgment.

Speaker Pro Tem Francisco S. Dela Cruz: Well noted Representative Tebuteb. I believe the Chair for Ways and Means can also look at this issue since the judgment is against the Department of Public Work and also has to do with finances of the same government. Thank you, Representative Tebuteb. Further discussions? There being no further discussions, we move down to item XII, Reports of Standing Committees. I now recognize Representative Ralph Yumul.

REPORTS OF STANDING COMMITTEES

Representative Ralph N. Yumul: Thank you, Mr. Speaker. At this time as Chairman of the Standing Committee on Tourism, the committee submits our report to this body and recommends to pass this important bill. Our hotel association fully supports it, our hotels supports it, it is a much needed help to our Visitors Authority to promote and represent the CNMI in this competitive market. It also helps the Marianas Visitors Authority in beautifying, rebuilding, and as well as securing our tourist sites. Mr. Speaker, the committee recommends that House Bill 18-2 be passed by the House. Thank you.

S. C. R. NO. 18-1: Reporting on H. B. NO. 18-2, entitled: "To repeal Title 4 sections 1971 and 1972 of the Commonwealth Code which were originally enacted as Public Laws 17-29, 17-58, and 17-75 in their entirety and to amend Title 4 sections 1803 and 1502(a) to increase the Hotel Occupancy Tax." *Your Committee on Tourism recommends passage of the bill in the form of H. B. NO. 18-2, HD1.*

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Yumul. At this time, any discussion on Standing Committee Report 18-1? Floor Leader, please effectuate a motion.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. We do have one Standing Committee Report for adoption. So on Standing Committee Report 18-1, reporting on House Bill 18-2 your Committee on Tourism recommends passage of this bill in the form of House Bill 18-2, HD1. So move.

The motion was seconded.

Speaker Pro Tem Francisco S. Dela Cruz: Discussion.

Several members voiced “ready”.

There was no discussion and the motion to adopt Standing Committee Report 18-1 was carried by voice vote. There was no nay vote.

Speaker Pro Tem Francisco S. Dela Cruz: Floor Leader.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. We have one on Reports of Special and Conference Committee on NMI Retirement Fund and for the adoption of Special Committee Report 18-2 from your Special Committee on NMI Retirement Fund recommends that the House pass the bill in its current form, so move.

SPC. C. R. NO. 18-2: From your Special on NMI Retirement Fund Reporting on H. B. NO. 18-12, “To amend Public Law 17-82 to clarify those provisions necessary to expedite the refunds and prevent any further frustration of the process.” *Your Special Committee on NMI Retirement Fund recommends that the House pass the bill in its current form.*

The motion was seconded.

Speaker Pro Tem Francisco S. Dela Cruz: Discussion.

There was no discussion and the motion to adopt Special Committee Report 18-2 was carried by voice vote. There was no nay vote.

Speaker Pro Tem Francisco S. Dela Cruz: We will move on down to Resolution Calendar, Floor Leader.

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

Floor Leader Rafael S. Demapan: Before we begin Mr. Speaker are we going to go ahead and entertain item XV to include all resolutions or are we going to go down to Bill Calendar. Short recess.

Speaker Pro Tem Francisco S. Dela Cruz: Short recess.

The House recessed at 2:20 p.m.

RECESS

The House reconvened at 2:25 p.m.

Speaker Pro Tem Francisco S. Dela Cruz: We are back from recess and we now will go to the Resolution Calendar and I recognize Representative Antonio Sablan.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. If there is no objection for the request from the members of the public that have just made it here, if there is no objection, I would like to ask the Chair if we can go back to Public Comments.

Speaker Pro Tem Francisco S. Dela Cruz: Any objection from the members to go back to listen to Public Comments? Representative Tebuteb.

Representative Ramon A. Tebuteb: I was going to ask Mr. Speaker that you go ahead and proceed with that course, no objection.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Tebuteb for the reinforcement. Representative Taitano.

Representative Mariano Taitano: Thank you, Mr. Speaker. If there is no objection, I would like to ask that we go back to item XIII for clarification purposes for some members of the public in the gallery.

Speaker Pro Tem Francisco S. Dela Cruz: Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. If there is no objection, I would like to make a motion that we move back to item II Public Comments and item XIII, if there is no objection so move.

The motion was seconded.

PUBLIC COMMENTS

Speaker Pro Tem Francisco S. Dela Cruz: There being no objection, we move back to item II, Public Comments. Anyone in the gallery that wishes to make comments, please proceed to the

podium. Representative Sablan at whose request was the continuation of the Public Comments coming from.

Representative Antonio P. Sablan: Well, there were two, Ms. Mesa and Mr. Pangelinan.

The following individuals made comments:

Mr. Joe Pangelinan
Ms. Tania Mesa

Speaker Pro Tem Francisco S. Dela Cruz: Floor Leader.

RESOLUTION CALENDAR

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Now we will go ahead and move to item XV, Resolution Calendar. For the adoption of House Resolution 18-5, “To recognize and commend Florie Nadine Manglona Mendiola for receiving her Doctorate Degree in Education with an emphasis in Organizational Leadership at Pepperdine University in Los Angeles, CA.” So move.

H. R. NO. 18-5

To recognize and commend Florie Nadine Manglona Mendiola for receiving her Doctorate Degree in Education with an emphasis in Organizational Leadership at Pepperdine University in Los Angeles, CA.

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

The motion was seconded.

Speaker Pro Tem Francisco S. Dela Cruz: The resolution being seconded any discussion on the resolution?

Several members voiced “ready”.

There was no discussion and the motion to adopt House Resolution 18-5 was carried by voice vote. There was no nay vote.

Speaker Pro Tem Francisco S. Dela Cruz: House Resolution 18-5 is duly adopted. Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. For the adoption of House Resolution 18-6, “To respectfully request and encourage the Department of Community and Cultural Affairs (DCCA), Chamber of Commerce, Hotel Association of the Northern Marianas Islands (HANMI), Korean Community of Saipan and other business establishments in the Commonwealth of the Northern Mariana Islands to extend the privilege of honoring our senior citizens (55 years old and above) to avail for discounts at their establishments.” So move.

H. R. NO. 18-6

To respectfully request and encourage the Department of Community and Cultural Affairs (DCCA), Chamber of Commerce, Hotel Association of the Northern Marianas Islands (HANMI), Korean Community of Saipan and other business establishments in the Commonwealth of the Northern Mariana Islands to extend the privilege of honoring our senior citizens (55 years old and above) to avail for discounts at their establishments.

REP. LORENZO I. DELEON GUERRERO of Saipan, Precinct 5 (*for himself*)

The motion was seconded.

There was no discussion and the motion to adopt House Resolution 18-6 was carried by voice vote. There was no nay vote.

Speaker Pro Tem Francisco S. Dela Cruz: House Resolution 18-6 is hereby adopted. Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. For the adoption of House Resolution 18-7, “To respectfully urge the Honorable Eloy S. Inos, Governor of the Commonwealth of the Northern Mariana Islands to solicit lending institutes to avail residential home owners and/or businesses with loans for the sole purpose of renewable energy.” So move.

H. R. NO. 18-7

To respectfully urge the Honorable Eloy S. Inos, Governor of the Commonwealth of the Northern Mariana Islands to solicit lending institutes to avail residential home owners and/or businesses with loans for the sole purpose of renewable energy.

REP. LORENZO I. DELEON GUERRERO of Saipan, Precinct 5 (*for himself*)

The motion was seconded.

Speaker Pro Tem Francisco S. Dela Cruz: That being seconded, any discussion on House Resolution 18-7?

Several members voiced “ready”.

There was no discussion and the motion to adopt House Resolution 18-7 was carried by voice vote. There was no nay vote.

Speaker Pro Tem Francisco S. Dela Cruz: House Resolution 18-7 is hereby adopted. Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. For the adoption of House Joint Resolution 18-3, “To request assistance from United States Ambassador Gary F. Locke in repatriating Mr. Jing Zhi Quiang to his home country due to CHC’s inability to provide further care.” So move.

H. J. R. NO. 18-3

To request assistance from United States Ambassador Gary F. Locke in repatriating Mr. Jing Zhi Quiang to his home country due to CHC's inability to provide further care.

REP. ANTONIO R. AGULTO of Saipan, Precinct 5 (*for himself*)

The motion was seconded.

Speaker Pro Tem Francisco S. Dela Cruz: That being seconded, discussion on House Joint Resolution 18-3? Representative Tebuteb.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. I was going to ask that I also comment on House Resolution 18-6, but we were so fast. I have a question on House Resolution 18-6 on the discount for the *Man'Amko* senior citizen, I know we are getting there and I want to know which one of us is closer than the rest. Mr. Speaker, under discussion on House Joint Resolution 18-3 to request the assistance from the United States Ambassador Garry Locke is a very serious one. This is a good resolution and I have a very simple question that I would like to make sure that these are part of the records before we adopt this. House Joint Resolution as we know that any joint resolution is also provided to the upper house in this instances. On page 2, line item 1, "Whereas, all attempts to obtain assistance for Mr. Quiang such as contacting local Chinese organizations to include the Chinese Association, the Chinese Consular, his family, and former employers, have been unsuccessful." There is a figure indicated on page 1 of the resolution at one point, Five Million Dollars from CUC has spent approximately \$1.5 Million Dollars to date. So my question would be, for the record, perhaps anybody, not the author, what were the unsuccessful attempts on this specific whereas clause?

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Tebuteb. I understand that you may be leading towards maybe asking the Chairman for Health and Welfare to look into this matter. I do agree that \$1.5 Million Dollars for an individual's hospital care dating back to 2010 is a huge amount of CNMI resource financially. And with that Representative Agulto, another issue if we may task you to look into this matter. See if there are any policies, rules and regulations at the Commonwealth Health Corporation (CHC) that has any type of action to prevent additional instances of such. Chairman?

Representative Antonio R. Agulto: Certainly I will, Mr. Speaker.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Chairman. Representative Tebuteb you still have the floor.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. Perhaps add it on to the Federal and Foreign Relations so that we all understand the diplomatic or federal policy that we may be infringing on and that is basically my concern. Thank you.

Speaker Pro Tem Francisco S. Dela Cruz: Representative Trenton Conner, please take note.

Representative Trenton B. Conner: Duly noted, Mr. Speaker.

Speaker Pro Tem Francisco S. Dela Cruz: With that, any further discussion on House Joint Resolution 18-3, Representative Seman you are recognized.

Representative Richard B. Seman: Thank you, Mr. Speaker. In going about with the proposed resolution, it mentioned Republic of China. Is he from Taiwan or from mainland China?

Speaker Pro Tem Francisco S. Dela Cruz: I believe he is from mainland China.

Representative Antonio R. Agulto: That is correct.

Representative Richard B. Seman: Then it should be People's Republic of China – I mean the People's Republic of China (PROC) instead of the Republic of China (ROC).

Speaker Pro Tem Francisco S. Dela Cruz: Shall we consider that as a technical and have our Clerk make the necessary change, if there is no objection?

Several members voiced "no objection".

Speaker Pro Tem Francisco S. Dela Cruz: Clerk, please take note. Further discussion on House Joint Resolution 18-3.

Several members voiced "ready".

There was no further discussion and the motion to adopt House Joint Resolution 18-3 was carried by voice vote. There was no nay vote.

Speaker Pro Tem Francisco S. Dela Cruz: House Joint Resolution 18-3 is hereby adopted. Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. For the adoption of House Joint Resolution 18-4, "Requesting that the Attorney General and the Governor take the necessary actions for the extradition of former Attorney General Edward T. Buckingham." So move.

H. J. R. NO. 18-4

Requesting that the Attorney General and the Governor take the necessary actions for the extradition of former Attorney General Edward T. Buckingham.

REP. FRANCISCO S. DELA CRUZ of Saipan, Precinct 3 (*for himself*)

The motion was seconded.

Speaker Pro Tem Francisco S. Dela Cruz: With that being second, discussion on the resolution?

Several members voiced "ready".

There was no discussion and the motion to adopt House Joint Resolution 18-4 was carried by voice vote. There was no nay vote.

Speaker Pro Tem Francisco S. Dela Cruz: House Joint Resolution 18-4 is duly adopted. Thank you. Floor Leader.

BILL CALENDAR

Floor Leader Rafael S. Demapan: Thank you, we will go ahead and move down to item XVI, Bill Calendar for the passage of House Bill 18-2, HD1, so move.

S. C. R. NO. 18-1: Reporting on H. B. NO. 18-2, entitled: “To repeal Title 4 sections 1971 and 1972 of the Commonwealth Code which were originally enacted as Public Laws 17-29, 17-58, and 17-75 in their entirety and to amend Title 4 sections 1803 and 1502(a) to increase the Hotel Occupancy Tax.” *Your Committee on Tourism recommends passage of the bill in the form of H. B. NO. 18-2, HD1.*

The motion was seconded.

Speaker Pro Tem Francisco S. Dela Cruz: For the passage of House Bill 18-2, discussion. Representative Villagomez you are recognized.

Representative Edmund S. Villagomez: Thank you, Mr. Speaker. I just want to say that I am going to support this measure. I do have some concerns and I just wanted to be noted that – Chairman I do not know, but we did not get any input from the smaller hotels. You know, room rate can be set by the hotels, they can increase it, they can decrease it and I just hope that enforcement really steps up on this because the language also mentions apartments, motels, and living quarters where transient apartments and maybe housing. Hopefully, enforcements steps up and collects. We also did not get any input from MVA regarding their definition of destination enhancement, but we did leave the language as it is to keep it broad. So I just want those things to be noted. Thank you.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Villagomez. Further discussion, Representative Tebuteb.

Representative Ramon A. Tebuteb: The intent of the bill is good. I echo the sentiment offered by Representative Villagomez. As we all know, Governor’s Communication 18-10, this is the vetoed item for the Marianas Visitors Authority and that is the tourist guide certification. I do not have to repeat what Representative Villagomez has just stated with respect to that vetoed item. As such that is a measure through the Administration with the specific agency and that is Marianas Visitors Authority. We also have House Bill 18-1 and those are some of the benefits that will go directly to the Marianas Visitors Authority and that is the Mañagaha Landing fee for promotion and in front of us we have this bill. The change of the bill from House Bill 18-2 to House Draft 1 reflected on specific page 4, line item 7 and that is the inclusion of within ten working days after the filing deadline, Department of Finance must remit MVA’s entitlement to the MVA trust fund. Perhaps from the author or the committee, simple questions of what happens if this specific revision was not adhere to?

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Tebuteb. I recognize Representative Yumul.

Representative Ralph N. Yumul: Thank you, Mr. Speaker. I know that was one of our concerns and we do note that the Administration in the past has failed to deliver or remit this amount so

we trust the Department of Finance does its due diligence and remit, otherwise we have to revisit this bill again. Thank you.

Speaker Pro Tem Francisco S. Dela Cruz: Point well taken. Representative Tebuteb?

Representative Ramon A. Tebuteb: I do appreciate that and I like what Representative Yumul had just uttered trust. So I trust that we will all support this bill.

Speaker Pro Tem Francisco S. Dela Cruz: I agree with you Representative Tebuteb, we trust and we need to have a little faith in the system here. At this time, I recognize Representative Roman Benavente.

Representative Roman C. Benavente: Same situation, Mr. Speaker, I am concern also. Although, I wholeheartedly approve the intent and it is for a good cause and everything, but again it also boils down to enforcement and clarity on how it is implemented and how we go about with it. There are certain situation right now that we have, but I would like to echo again Representative Tebuteb with regards to the Mañagaha Landing fee and that is a very challenging issue that we are facing right now with responsible entity who is supposedly be doing something to go within the scope of the law, although they are circumventing it and they are going a different way. So I just want to air this situation, so it clarifies out to this new intent that this thing is going to be tolerated. We will be looking into it at the same time, but nevertheless we will support it so we can move ahead. Thank you, Mr. Speaker.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Benavente. Further discussions?

Several members voiced “ready”.

Speaker Pro Tem Francisco S. Dela Cruz: The motion is for the passage of House Bill 18-2, House Draft 1. Clerk, please take the roll.

The Clerk called the roll on the motion for the passage of House Bill 18-2, HD1 on First and Final Reading with the following results:

Representative Antonio R. Agulto	yes
Representative Anthony T. Benavente	yes
Representative Roman C. Benavente	yes
Representative George N. Camacho	yes
Representative Trenton B. Conner	yes
Representative Francisco S. Dela Cruz	yes
Representative Rafael S. Demapan	yes
Representative Lorenzo I. Deleon Guerrero	yes
Representative Christopher D. Leon Guerrero	yes
Representative Janet Ulloa Maratita	yes
Representative Felicidad Taman Ogumoro	yes
Representative Antonio P. Sablan	yes
Representative John Paul P. Sablan	yes
Representative Teresita A. Santos	absent (<i>during voting</i>)
Representative Richard B. Seman	yes
Representative Mariano Taitano	yes

Representative Ramon A. Tebuteb	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ralph N. Yumul	yes
Speaker Joseph P. Deleon Guerrero	absent (<i>excused</i>)

Clerk: Mr. Speaker, all 18 members present voted “yes.”

Speaker Pro Tem Francisco S. Dela Cruz: With a vote of 18 “yes,” House Bill 18-2, House Draft 1 passes this House. Congratulations Minority Leader. Representative Tebuteb you are recognized.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. Like the media presentation everything has its first and I would also like to congratulate these members for giving the trust into the author of this legislation. This is the first bill that this body has passed.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Tebuteb. I also share your sentiments, I believe that this leadership does not look at authors of bills, rather merits of bills so we will continue with that process. Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Last on our calendar for the passage on First and Final Reading on House Bill 18-12, so move.

SPC. C. R. NO. 18-2: From your Special on NMI Retirement Fund Reporting on H. B. NO. 18-12, “To amend Public Law 17-82 to clarify those provisions necessary to expedite the refunds and prevent any further frustration of the process.” *Your Special Committee on NMI Retirement Fund recommends that the House pass the bill in its current form.*

The motion was seconded.

Speaker Pro Tem Francisco S. Dela Cruz: For the passage of House Bill 18-12 it has been seconded, discussion. Representative Villagomez, you are recognized.

Representative Edmund S. Villagomez: I just want to bring up some concerns. First of all, I just want to let you guys know that I am going to support this bill even though back in the 17th Legislature I was the only one that did not support 17-315 and it is just sad to see some of my concerns come to reality. Anyway, regarding House Bill 18-12, I just have some questions. I just want to know how will this measure expedite the process? Right now we have Public Law 17-82 that is not being complied with and did this request come from the Retirement Fund?

Speaker Pro Tem Francisco S. Dela Cruz: Representative Villagomez, this was actually a product from the Administration from the Lieutenant Governor asking if we can introduce legislation that will clarify some of the questions raised by the Retirement Fund, such as when does the 30 day begin, whether it is after the submission or after the approval of the Retirement Fund. And what we are clarifying is that it would be after the submission and not wait for anyone to take their jolly time while they ponder whether approval is needed at hand among other things. Representative Ogumoro.

Representative Felicidad T. Ogunoro: Thank you, Mr. Speaker. I will support this bill and like we did in the 17th Legislature we wanted to move this bill and expedite the process. I hope like some of us have echoed that expeditious action will be taken and not let this bill sit so that we will be meeting another bill in the future with another amendment. To the Chairman of the Special Committee, what was really the hang-up of not releasing or processing the action faster? Is that already overcome or are we going to be seeing the same problem because my understanding when we were sitting with the actuary, that concern came up that it was because we were doing it manually that it was taking us longer to process applications, the applications that were coming in. Has that been taken care of so that upon approval and signing by the Governor of this bill that we will begin to process the checks.

Speaker Pro Tem Francisco S. Dela Cruz: Representative Taitano.

Representative Mariano Taitano: Thank you. I have spoken to the Acting Administrator or the NMI Retirement Fund who fully supports this bill for its passage. Yes, as soon as this bill passes through and is signed into law according to them they will start initiating processing of the application for refund of contributions. In addition upon submission to clarifying, according to them, to clarify that upon submission of your application for refund of contributions, right there and then they will advise the appropriate agency to immediately seize deduction over contributions from their employees, I am talking about active members. Also this bill allows upon submission of your application of contributions to be refunded that immediately 50% as opposed to the previous law 50% within 30 days. Those who have received 25% of their contributions within 30 days of the effective date of this bill, they will receive the additional 25%. So yes, I have done some and have received many calls by individuals who have their contribution seized by Department of Finance. I do not know for Autonomous Agencies and according to Mr. Guerrero from Board of Education, they wanted to have some clarity and I have spoken to Lillian, the Acting Administrator of the NMI Retirement Fund, and yes as soon as this bill goes through they will immediately instruct the respective Autonomous Agencies as well the Department of Finance have seized deducting the former active DB members from being deducted their contributions to the fund. So therefore, yes I would fully ask for your support for the passage of this bill so that our folks, the remaining 1,700 who have submitted their application will perhaps ultimately start receiving their contributions. As far as the shortage of manpower by the Retirement Fund, I guess these members would just have to rely on the processing of the applications because I think it comes on a first come first served basis. Having said that, yes they will be moving forward as soon as this goes through. Thank you, Mr. Speaker.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Taitano. Representative Ogunoro would you like to continue?

Representative Felicidad T. Ogunoro: I think I see what the Chairman is saying, I think we have the 600 that have already been approve, but the remaining 1,700, I think that is the concern that I have. Are we going to be seeing, just like Mr. Pangelinan pointed out many months – a longer period of time to be able to process the remaining 1,800 maybe there would be a few others coming in now that they have a little bit more hope that the processing is going move a little bit faster. I just want to make sure that that is the understanding that we have. If this is the bill that would push and get the work done then I will definitely fully support it. Thank you.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Ogumoro. Just for clarification purposes as it pertains to the report I am reading here that there is only approximately 125 out of the 1,700 applicants that have received it. I recognize Representative Sablan.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. The legislation is to resolve some of the issues that resulted in the temporary suspension of the disbursement of the refunds. Some of the members have already mentioned the submission date when was the effective date of the thirty-days and the new legislation provides that it is upon submission. The 25% disbursement upon approval has been amended to be 50%, I guess taking into consideration the time delay between the Public Law and to present. It also addresses the issue of what about interest. So the legislation also addresses the concern about interest, but I think the major part of the delay is understanding why it was posed before the court for guidance is that like many of our employees that have recently retired, however only to find out that their retirement checks would not be forthcoming. I believe the recent group of retirees that has filed as far back as January and February of last year we were only just able to get their retirement pension. As a result of the employer contribution deficiency and the legislation on page 2, address that. If I may read a part of it on line 19, it says “NMIRF shall disburse withdrawals based on amounts actually contributed.” So that removes that particular hold-up on a lot of the review and approval of those applications. I am just curious to find out how many exactly out of the 1,700 would be affected as a result of employer contribution deficiencies. So this legislation is to address some of those concerns that suspended the processing and disbursement of the refunds. To address that like on page 2 where it says that they will do a calculation based on what is actually contributed and upon such time in the future that the deficiency is corrected then the fund would then make the necessary calculation and payment adjustment to the individual members that have elected to withdraw. I just want to ask the members for their support on the legislation. I know a lot of our people out there have their hopes up and then down. I hope that by this body taking action on this legislation this afternoon and I hope the Senate does as well on Thursday that we send a message and members responsible for the ultimate approval and disbursement of this refunds to finally move on with this and give these employees their deserved money. Thank you, Mr. Speaker.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Sablan. I now recognize Representative Conner.

Representative Trenton B. Conner: Thank you, Mr. Speaker. I just heard under Public Comment from Mr. Guerrero that he was kind of concerned with line 17, page 3, Section (d). Maybe the Legal Counsel can answer the concern, if I am not mistaken, pertaining to the members on page 3, line 25 where it says, “members of the defined contribution plan may elect to withdraw his/her vested balance” does that mean that even though they are still employed they can withdraw that balance, is this what this legislation pertaining to, because I understand there is a contractual obligation with ASC Trust that you have to sever employment first.

Legal Counsel John Cool: Yes it is the defined contribution plan. The employee can elect to stop contributing to the plan. Any withdrawals from the plan will be subject to the internal revenue rules relating to early withdrawals of contributions. So if they did make an early withdrawal that was not in one of the accepted areas they may have to pay a penalty and of course they would not be able to withdraw the unvested portion of the employer contribution.

Speaker Pro Tem Francisco S. Dela Cruz: And that goes basically for any 401K plan out there.

Representative Trenton B. Conner: Thank you.

Speaker Pro Tem Francisco S. Dela Cruz: Representative Villagomez you are recognized.

Representative Edmund S. Villagomez: Maybe this is appropriate for the Chairman. Do you know if those 125 people did receive their 25%?

Representative Mariano Taitano: Not yet.

Representative Edmund S. Villagomez: Not yet, that is a ninety-day?

Speaker Pro Tem Francisco S. Dela Cruz: Representative Taitano.

Representative Mariano Taitano: The federal court has instructed the trustee to hold off on all the processing of the additional contributions primarily because the matter was referred to Judge Faris for a settlement conference and the outcome of that conference perhaps would allow the processing of the remaining 75% of the contribution required for them to receive. So at this point in time it is not processed at all.

Representative Edmund S. Villagomez: So we can guarantee that if we clear up this lack of clarification the 125 will get their remaining and everybody else will get their full as stated in the language in the bill?

Speaker Pro Tem Francisco S. Dela Cruz: Chair, I believe that is the intent of this legislation to move the process forward and continue.

Representative Edmund S. Villagomez: So I just want to echo Representative Sablan's statements that I hope that they can deliver once this bill becomes law because even right now raising it up to 50%, we cannot even meet the 25% and then we are going to meet 55% or 50% so I just hope they deliver this time around.

Speaker Pro Tem Francisco S. Dela Cruz: I believe that based on Judge Govendo's ruling, the funds are there, it is a matter of disbursement and this is the key here in trying to continue on with disbursements and complete the process. Any other, Representative Ogunoro you are recognized.

Representative Felicidad T. Ogunoro: So what would happen if somebody should decide not to follow the law, this one that we are going to pass? Is there anything in the bill or should we put a language there that would provide the teeth that we need if they do not come forward. If they do not get this implemented then what is the reports. I want to see what we are discussing happen, but let us just say somebody comes up with – put in another twist there that would further delay the disbursement of the payments. Is there any language in the bill or should we consider putting something in there that would provide some guidance.

Speaker Pro Tem Francisco S. Dela Cruz: Representative Sablan you are recognized.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. Again like I said, the proposed legislation before us is to address, some of those concerns that were given by the ad litem in asking the court or telling the court that they do not want to move forward with this because of the issue of what about those whose employers have failed to complete their contribution, what about the issue of when they become or subject for approval, about the interest. I believe the contents of the proposed legislation is to address those concerns specifically so that there will not be any questions in regards to why these employees shall not get their money back. Thank you.

Speaker Pro Tem Francisco S. Dela Cruz: Representative Taitano for the last time.

Representative Mariano Taitano: Yes for the last time. I would like to echo again Chairman Sablan when he mentioned page 2, line item 19, which shall allow the NMIRF to disburse the payments on what is on the employees or the members records. Further down, “defer any remaining balance including interest accrued until such future date after the NMIRF has reconciled and resolved the correct employee contribution amounts including interest calculations.” So merely by having that stated in this bill would allow the NMIRF to just refund what is on the record and perhaps address the remaining balance afterwards.

Speaker Pro Tem Francisco S. Dela Cruz: Thank you, Representative Taitano well said. Are we ready?

Several members voiced “ready”.

Speaker Pro Tem Francisco S. Dela Cruz: The motion is for the passage of House Bill 18-12. Clerk, please take the roll.

The Clerk called the roll on the motion for the passage of House Bill 18-12 on First and Final Reading with the following results:

Representative Antonio R. Agulto	yes
Representative Anthony T. Benavente	yes
Representative Roman C. Benavente	yes
Representative George N. Camacho	absent (<i>during voting</i>)
Representative Trenton B. Conner	yes
Representative Francisco S. Dela Cruz	yes
Representative Rafael S. Demapan	yes
Representative Lorenzo I. Deleon Guerrero	yes
Representative Christopher D. Leon Guerrero	yes
Representative Janet Ulloa Maratita	yes
Representative Felicidad Taman Ogumoro	yes
Representative Antonio P. Sablan	yes
Representative John Paul P. Sablan	yes
Representative Teresita A. Santos	absent (<i>during voting</i>)
Representative Richard B. Seman	yes
Representative Mariano Taitano	yes
Representative Ramon A. Tebuteb	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ralph N. Yumul	yes
Speaker Joseph P. Deleon Guerrero	absent (<i>excused</i>)

Clerk: Mr. Speaker, all 17 members present voted “yes.”

Speaker Pro Tem Francisco S. Dela Cruz: With a vote of 17 “yes,” House Bill 18-12 has passed the House and will move to the Senate. Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. For the adjournment subject to your call, so move.

Speaker Pro Tem Francisco S. Dela Cruz: Before I entertain that motion Floor Leader, is there anything under Miscellaneous that anyone would want to bring up? If not, then we will all go to the adjournment motion.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

None

ADJOURNMENT

Speaker Pro Tem Francisco S. Dela Cruz: The motion is to adjourn subject to the call of the Chair.

The motion was seconded and carried by voice vote. There was no nay vote.

The House adjourned at 3:19 p.m.

Respectfully submitted,

/s/

Venetia A. Sanchez
House Journal Clerk

APPEARANCE OF LOCAL BILLS

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

SECOND LEGISLATIVE DAY:

H. L. B. No. 18-5

To amend 10 CMC 2472 for the purpose of establishing a fee for every visitor who rides on roads in a tour bus or van, uses beaches for snorkeling and scuba tours, and who utilizes all-terrain vehicles on or within the Second Senatorial District of Tinian and Aguiguan. Introduced by REP. TRENTON B. CONNER of Tinian, Precinct 6 (*for himself*) on February 11, 2013.

H. L. B. No. 18-7

To amend and to re-appropriate the fund balances from Business Units 3381 (Saipan Local Law 14-7) and 3374E (Saipan Local Law 17-4); and for other purposes. Introduced by REP. JANET U. MARATITA of Saipan, Precinct 1 (*for herself*) on February 11, 2013.

H. L. B. No. 18-8

To amend and to re-appropriate the fund balances from Business Units 3739 (Saipan Local Law 14-14), 3394B (Saipan Local Law 17-6), and 3752B (Saipan Local Law 17-16); and for other purposes. Introduced by REP. JANET U. MARATITA of Saipan, Precinct 1 (*for herself*) on February 11, 2013.

THIRD LEGISLATIVE DAY:

H. L. B. No. 18-4

To re-appropriate the fund balance from Saipan Local Law 16-1 section 1(A); and for other purposes. Introduced by REP. ANTONIO R. AGULTO of Saipan, Precinct 5 (*for himself*, Representatives Lorenzo I. Deleon Guerrero, Christopher D. Leon Guerrero, Antonio P. Sablan, and Mariano Taitano) on January 22, 2013.

Appearance of Measures introduced on the House Floor during the House Session on 2/11/13 and 2/12/13:

H. B. No. 18-10

To provide for the conservation of fisheries in the Commonwealth of the Northern Mariana Islands, and for other purposes, known as the Northern Mariana Islands Fisheries Act of 2013; and for other purposes. Introduced by REP. ANTHONY T. BENAVENTE of Saipan, Precinct 3 (*for himself*, Representatives Antonio R. Agulto, Roman C. Benavente, Trenton B. Conner, Joseph P. Deleon Guerrero, Lorenzo I. Deleon Guerrero, Antonio P. Sablan, John Paul P. Sablan, Teresita A. Santos, Richard B. Seman, Mariano Taitano, Edmund S. Villagomez, and Ralph N. Yumul) on February 11, 2013 and was referred to the Committee on Natural Resources on February 12, 2013.

H. B. No. 18-11

To amend Title 9, Division 2 Chapter 1 §2116 (Public Law 14-16); and for other purposes. Introduced by REP. LORENZO I. DELEON GUERRERO of Saipan, Precinct 5 (*for himself* Representatives Antonio R. Agulto, Roman C. Benavente, Trenton B. Conner, Francisco S. Dela Cruz, Christopher D. Leon Guerrero, Mariano Taitano, Ralph N. Yumul) on February 11, 2013 and was referred to the Committee on Judiciary and Governmental Operations on February 12, 2013.

H. B. No. 18-12

To amend Public Law 17-82 to clarify those provisions necessary to expedite the refunds and prevent any further frustration of the process. Introduced by REP. FRANCISCO S. DELA CRUZ of Saipan, Precinct 3 (*for himself*) on February 11, 2013 was referred to the Special Committee on NMI Retirement Fund on February 12, 2013.

H. B. No. 18-13

To allocate funds received pursuant to U.S. Public Law 110-229. REP. TRENTON B. CONNER of Tinian, Precinct 6 (*for himself*, Representative Anthony T. Benavente, and Ralph N. Yumul) – The legislation was withdrawn on February 11, 2013.

H. B. No. 18-14

To establish a CNMI Emergency Medical Services Commission; and for other purposes. Introduced by REP. TRENTON B. CONNER of Tinian, Precinct 6 (*for himself*) on February 11, 2013 was referred to the Committee on Health and Welfare on February 12, 2013.

H. B. No. 18-15

To address and deter bullying in schools by establishing parental liability for the harm inflicted by bullies who are not properly disciplined and supervised by their parents. Introduced by REP. TRENTON B. CONNER of Tinian, Precinct 6 (*for himself*, Representative George N. Camacho) on February 11, 2013 was referred to the Committee on Education on February 12, 2013.

H. B. No. 18-16

To amend PL 17-58 to transfer \$200,000 from the appropriations to the Mayor of the First Senatorial District to the Commonwealth Healthcare Corporation to cover airfare for medical referral of residents of the First Senatorial District. Introduced by REP. TERESITA A. SANTOS of Rota, Precinct 7 (*for herself*) on February 11, 2013 was referred to the Committee on Ways and Means on February 12, 2013.

H. L. B. No. 18-5

To amend 10 CMC 2472 for the purpose of establishing a fee for every visitor who rides on roads in a tour bus or van, uses beaches for snorkeling and scuba tours, and who utilizes all-terrain vehicles on or within the Second Senatorial District of Tinian and Aguiguan. Introduced by REP. TRENTON B. CONNER of Tinian, Precinct 6 (*for himself*) on February 11, 2013.

H. L. B. No. 18-6

To appropriate Ninety Four Thousand Dollars (\$94,000.00) from the license fees collected from poker machines in the Second Senatorial District; and for other purposes. Introduced by REP. TRENTON B. CONNER of Tinian, Precinct 6 (*for himself*) on February 11, 2013.

H. L. B. No. 18-7

To amend and to re-appropriate the fund balances from Business Units 3381 (Saipan Local Law 14-7) and 3374E (Saipan Local Law 17-4); and for other purposes. Introduced by REP. JANET U. MARATITA of Saipan, Precinct 1 (*for herself*) on February 11, 2013.

H. L. B. No. 18-8

To amend and to re-appropriate the fund balances from Business Units 3739 (Saipan Local Law 14-14), 3394B (Saipan Local Law 17-6), and 3752B (Saipan Local Law 17-16); and for other purposes. Introduced by REP. JANET U. MARATITA of Saipan, Precinct 1 (*for herself*) on February 11, 2013.

H. R. No. 18-4

To convey sincere condolences and sympathy of the House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature to the bereaved family of the Late Honorable Juan Borja Tudela “Sigi” on the occasion of his untimely passing and paying tribute to his services to the people of the Commonwealth. Introduced by REP. JOHN PAUL P. SABLAN of Saipan, Precinct 2 (*for himself*, Representatives Antonio R. Agulto, Anthony T. Benavente, Roman C. Benavente, George N. Camacho, Trenton B. Conner, Francisco S. Dela Cruz, Joseph P. Deleon Guerrero, Lorenzo I. Deleon Guerrero, Rafael S. Demapan, Christopher D. Leon Guerrero, Janet U. Maratita, Felicidad T. Ogumoro, Antonio P. Sablan, Teresita A. Santos, Richard B. Seman, Mariano Taitano, Ramon A. Tebuteb, Edmund S. Villagomez, and Ralph N. Yumul) on February 11, 2013.

H. J. R. No. 18-2

Respectfully requesting and urging the CNMI Veterans Affairs Office through the Office of the CNMI Governor to have the US and CNMI flags flown every day at the CNMI US Armed Forces Veterans Cemetery located in Marpi, Saipan, Commonwealth of the Northern Marianas Islands. Introduced by REP. LORENZO I. DELEON GUERRERO of Saipan, Precinct 5 (*for himself*, Representative Antonio R. Agulto, Anthony T. Benavente, Roman C. Benavente, George N. Camacho, Trenton B. Conner, Francisco S. Dela Cruz, Joseph P. Deleon Guerrero, Lorenzo I. Deleon Guerrero, Rafael S. Demapan, Christopher D. Leon Guerrero, Janet U. Maratita, Felicidad T. Ogumoro, Antonio P. Sablan, John Paul P. Sablan, Teresita A. Santos, Richard B. Seman, Mariano Taitano, Ramon A. Tebuteb, Edmund S. Villagomez, and Ralph N. Yumul) on February 11, 2013.

House information on deadlines for override: None