



# HOUSE OF REPRESENTATIVES

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SPECIAL SESSION, 2013

## LEGISLATIVE JOURNAL

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Second Day, First Special Session

Thursday, April 25, 2013

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*The House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature convened its Second Day, First Special Session on Thursday, April 25, 2013, at 1:51 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.*

*The Honorable Joseph P. Deleon Guerrero, Speaker of the House, presided.*

*A moment of silence was observed.*

### ROLL CALL

*The Clerk called the roll and nineteen members were present; Representative Ralph N. Yumul was absent.*

Speaker Joseph P. Deleon Guerrero: With 19 members being present, we do have a quorum. Representative Yumul is excused. We move on to the next item on our Order of Business, Public Comments. If anyone wishes to make comments today on any matter pertaining to our Order of Business, please step up and identify yourself.

### PUBLIC COMMENTS

The following individuals made comments:

Mr. Joseph Pangelinan, Office of Personnel Management Civil Service Commission Chief  
Mr. George Hasselback, Office of Public Auditor  
Mr. Joey San Nicolas, Attorney General  
Mr. Ghassan Harb, Assistant Attorney General  
Mr. Herman Deleon Guerrero, Civil Service Commission Chairman  
Mr. Seman  
Mr. James Deleon Guerrero, Department of Public Safety Commissioner  
Mr. Daniel Quitugua

Mr. Joseph Pangelinan, Office of Personnel Management Civil Service Commission Chief

Speaker Joseph P. Deleon Guerrero: There being no further Public Comments, let us move to item III on our agenda, Adoption of Journals. Clerk.

### **ADOPTION OF JOURNALS**

Clerk: Mr. Speaker, we have one 4<sup>th</sup> Day, First Regular Session Journal, February 26, 2013.

4th Day, First Regular Session Journal, February 26, 2013.

Speaker Joseph P. Deleon Guerrero: Comments members, ready? Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker and good afternoon everyone. Motion to adopt 4<sup>th</sup> Day, First Regular Session Journal dated February 26, 2013, so move.

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered and seconded, discussion.

*Several members voiced “ready”.*

*There was no discussion and the motion to adopt the 4<sup>th</sup> Day, First Regular Session Journal, February 26, 2013 was carried by voice vote. There was no nay vote.*

Speaker Joseph P. Deleon Guerrero: We will now move on to item IV, Introduction of Bills. Before the members introduce their respective bills, are there any bills that have not been prefiled that members wish to introduce so that the Floor Leader can offer the appropriate motion to amend the agenda. I think we have two, so with that Floor Leader for the proper motion.

### **INTRODUCTION OF BILLS**

#### ***House Bills:***

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. I now make a motion to suspend Rule IX, Section 4 (d) to allow the House to amend the agenda by adding items on the agenda. However, let me go ahead and make a note that new bills and resolutions cannot be acted on today's introductions. So move.

#### **RULE IX. BILLS, RESOLUTIONS AND AMENDMENTS.**

##### **Section 4. Format of Bills and Resolutions.**

(d) Bills and resolutions for introduction may be prefiled with the House Clerk for formal introduction at the next session, provided that it is pre-filed not less than 24 hours before that session and appears on the session agenda as required under Rule III. The 24-

hour notice and agenda requirements may be dispensed with only in accordance with Rule III.

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered and seconded, discussion.

*Several members voiced “ready”.*

Speaker Joseph P. Deleon Guerrero: Clerk, please call the roll.

*The Clerk called the roll on the motion to suspend Rule IX, Section 4(d) 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	absent ( <i>during voting</i> )
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	yes
Representative Richard B. Seman	yes
Representative Mariano Taitano	yes
Representative Ramon A. Tebuteb	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ralph N. Yumul	absent ( <i>excused</i> )
Speaker Joseph P. Deleon Guerrero	yes

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

Speaker Joseph P. Deleon Guerrero: The vote of 18 “yes,” the motion to amend the agenda adopted. Let us now go on to the actual introduction. I recognize Representative Roman Benavente for the introduction of House Bill 18-60.

Representative Roman C. Benavente: Thank you, Mr. Speaker. I would like to introduce a bill for an act “To amend 4 CMC §8481 Regulation of Cable Television by labeling the existing paragraph as (a) and to add (b) and (c) to the existing regulation; and for other related purposes.” Thank you, Mr. Speaker.

**H. B. NO. 18-60**

To amend 4 CMC §8481 Regulation of Cable Television by labeling the existing paragraph as (a) and to add (b) and (c) to the existing regulation; and for other related purposes.

**REP. ROMAN C. BENAVENTE** of Saipan, Precinct 1 (*for himself, Representatives Lorenzo I. Deleon Guerrero, Janet U. Maratita, and Richard B. Seman*)

**(Referred to the Committee on Public Utilities, Transportation, and Communications)**

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Benavente. House Bill 18-60 would be referred to Public Utilities, Transportation and Communications (PUTC). For House Bill 18-61, I recognize Representative Christopher Leon Guerrero.

Representative Christopher D. Leon Guerrero: Thank you, Mr. Speaker. For introduction purposes to officially introduce House Bill 18-61, “To repeal in its entirety 1 CMC § 8213(g), to eliminate the bonus for employees who are frozen in Step 12 and 1 CMC § 8215, to eliminate the within-grade and merit increase; and for other purposes.” Introduced by myself and sponsored by other members. Thank you.

**H. B. NO. 18-61**

To repeal in its entirety 1 CMC § 8213(g), to eliminate the bonus for employees who are frozen in Step 12 and 1 CMC § 8215, to eliminate the within-grade and merit increase; and for other purposes.

**REP. CHRISTOPHER D. LEON GUERRERO** of Saipan, Precinct 4 (*for himself*, Representatives Antonio R. Agulto, Roman C. Benavente, and Lorenzo I. Deleon Guerrero)

**(Referred to the Committee on Ways and Means and the Committee on Judiciary and Governmental Operations)**

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Leon Guerrero. House Bill 18-61 would be referred to the Committee on Ways and Means. For House Bill 18-62, I recognize Representative Leon Guerrero.

Representative Christopher D. Leon Guerrero: Thank you again, Mr. Speaker. For introduction purposes, officially introducing House Bill 18-62, “To repeal NMIAC Section 10-20.21101 and restore mandatory salary increases for civil service employees.” Introduced by myself and coauthored by other members. Thank you.

**H. B. NO. 18-62**

To repeal NMIAC Section 10-20.21101 and restore mandatory salary increases for civil service employees.

**REP. CHRISTOPHER D. LEON GUERRERO** of Saipan, Precinct 4 (*for himself*, Representatives Antonio R. Agulto, Roman C. Benavente, and Lorenzo I. Deleon Guerrero)

**(Referred to the Committee on Ways and Means)**

Speaker Joseph P. Deleon Guerrero: House Bill 18-62 will be referred to the Committee on Ways and Means. Now recognized, Representative Antonio Agulto.

Representative Antonio R. Agulto: Thank you, Mr. Speaker. This is to officially introduce House Bill 18-63, “To create the CNMI Wellness Program Tax Credit Act of 2013; and for other purposes.” Thank you, Mr. Speaker.

**H. B. NO. 18-63**

To create the CNMI Wellness Program Tax Credit Act of 2013; and for other purposes.

**REP. ANTONIO R. AGULTO** of Saipan, Precinct 5 (*for himself*)  
**(Referred to the Committee on Ways and Means)**

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Agulto. House Bill 18-63 will be referred to the Committee on Ways and Means. Before I go further, I see the Chairman of Ways and Means raising his hands, you are recognized.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. In regards to the committee assignment of House Bill 18-61 and House Bill 18-62, a quick review of this will not result in any significant impact on our revenue situation of the government. I want to request that the Chairman reconsider the assignment of this bill to JGO. Thank you.

Speaker Joseph P. Deleon Guerrero: So noted, the Chair will take that under advisement. I now recognize Representative Teresita Santos.

Representative Teresita A. Santos: Thank you, Mr. Speaker. This is to introduce House Bill 18-64, a revived bill from the 17<sup>th</sup> Legislature, “To amend Rota Local Law No. 17-6; and for other purposes.” Also Mr. Speaker, I would like to go down to House Bill 18-65, “To preserve and designate two hectares of public land on the island of Rota for the future site of the Rota Public Cemetery; and for other purposes.” Thank you, Mr. Speaker.

**H. B. NO. 18-64**

To amend Rota Local Law No. 17-6; and for other purposes.

**REP. TERESITA A. SANTOS** of Rota, Precinct 7 (*for herself*)  
**(Referred to the Committee on Judiciary and Governmental Operations)**

**H. B. NO. 18-65**

To preserve and designate two hectares of public land on the island of Rota for the future site of the Rota Public Cemetery; and for other purposes.

**REP. TERESITA A. SANTOS** of Rota, Precinct 7 (*for herself*)  
**(Referred to the Committee on Natural Resources)**

Speaker Joseph P. Deleon Guerrero: Representative Santos could you repeat that second one?

Representative Teresita A. Santos: House Bill 18-65, Mr. Speaker.

Speaker Joseph P. Deleon Guerrero: Thank you. House Bill 18-64 would be referred to the Committee on JGO and House Bill 18-65 would be referred to the Committee on Natural Resources. I recognize Representative Lorenzo Deleon Guerrero for House Bill 18-66.

Representative Lorenzo I. Deleon Guerrero: Thank you, Mr. Speaker. I am officially introducing House Bill 18-66, “To require bonding by persons making procurement protests.” Thank you, Mr. Speaker.

**H. B. NO. 18-66**

To require bonding by persons making procurement protests.

**REP. LORENZO I. DELEON GUERRERO** of Saipan, Precinct 5 (*for himself*)  
 Representative Christopher D. Leon Guerrero)

**(Referred to the Committee on Judiciary and Governmental Operations)**

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Deleon Guerrero. House Bill 18-66 will be referred to the Committee on JGO. Before we go on to House Local Bills are there any further House Bills? Representative Tebuteb.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. It is a prefiled House Bill 18-67, “To designate 17,107.24 Square Meters of property (Lot. No. 009C06) in Marpi, Saipan for the Marianas Trench National Marine Monument Visitors’ Center; and for other purposes.” Thank you.

**H. B. NO. 18-67**

To designate 17,107.24 Square Meters of property (Lot. No. 009C06) in Marpi, Saipan for the Marianas Trench National Marine Monument Visitors’ Center; and for other purposes.

**REP. RAMON A. TEBUTEB** of Saipan, Precinct 3 (*for himself*)

**(Referred to the Committee on Natural Resources)**

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Tebuteb. House Bill 18-67 will be referred to the Committee on Natural Resources. Any further House Bills before we move on to House Local Bills, there being none, let us move to House Local Bills and I recognize Representative Tebuteb.

***House Local Bills:***

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. This is a prefiled House Local Bill 18-14, “To impose a departure fee on each nonresident passenger who disembarks to Mañagaha Island on a commercial carrier.” Also House Local Bill 18-13, “To establish the unarmed combat sport and to establish the athletic commission act; and for other purposes.” Thank you.

**H. L. B. NO. 18-13**

To establish the unarmed combat sport and to establish the athletic commission act; and for other purposes.

**REP. RAMON A. TEBUTEB** of Saipan, Precinct 3 (*for himself*, Representatives Lorenzo I. Deleon Guerrero, Christopher D. Leon Guerrero, and Mariano Taitano)

**H. L. B. NO. 18-14**

To impose a departure fee on each nonresident passenger who disembarks to Mañagaha Island on a commercial carrier.

**REP. RAMON A. TEBUTEB** of Saipan, Precinct 3 (*for himself*)

Speaker Joseph P. Deleon Guerrero: Thank you. Would you kindly give our Clerk a copy of House Local Bill 18-14 so copies can be made. Any further House Local Bills, there being none, we move on to House Legislative Initiatives. If the members are ready and there are no further bills to be introduced, let us move on to item V on our agenda, Introduction of Resolutions and I recognize Representative Antonio Sablan for House Resolution 18-20.

*House Legislative Initiatives: None***INTRODUCTION OF RESOLUTIONS***House Resolutions:*

Representative Antonio P. Sablan: Thank you, Mr. Speaker. This is to formally introduce House Resolution 18-20, “To applaud and recognize the Pacific Islands Club contributions to the Commonwealth of the Northern Marianas community.” Thank you.

**H. RES. NO. 18-20**

To applaud and recognize the Pacific Islands Club contributions to the Commonwealth of the Northern Marianas community.

**REP. ANTONIO P. SABLAN** of Saipan, Precinct 1 (*for himself*, Representative Joseph P. Deleon Guerrero)  
**(Moved to Resolution Calendar for action)**

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Sablan. Any further House Resolutions? If not, we go down to House Joint Resolutions and I recognize Representative Lorenzo Deleon Guerrero.

*House Joint Resolutions:*

Representative Lorenzo I. Deleon Guerrero: Thank you, Mr. Speaker. I am officially introducing House Joint Resolution 18-6, “Respectfully urging Governor Eloy S. Inos to concur and support the opinion of the Attorney General that former Governor Benigno R. Fitial had no authority to enter into the Power Purchase Agreement with Saipan Development, LLC.” Thank you, Mr. Speaker.

**H. J. R. NO. 18-6**

Respectfully urging Governor Eloy S. Inos to concur and support the opinion of the Attorney General that former Governor Benigno R. Fitial had no authority to enter into the Power Purchase Agreement with Saipan Development, LLC.

**REP. LORENZO I. DELEON GUERRERO** of Saipan, Precinct 5 (*for himself*, Representatives Roman C. Benavente, Trenton B. Conner, Francisco S. Dela Cruz, and Christopher D. Leon Guerrero)  
**(Moved to Resolution Calendar for action)**

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Deleon Guerrero. Are there any further House Joint Resolutions to be introduced? I recognize Representative Tebuteb.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. This is a prefiled House Joint Resolution 18-7, “Respectfully requesting the Marine Monument Advisory Council that the Marianas Trench National Marine Monument Visitors’ Center be located at the Marpi area (Lot. 009C06) (17,107.24 square meters) in Marpi, Saipan, Commonwealth of the Northern Mariana Islands.” Thank you.

**H. J. R. NO. 18-7**

Respectfully requesting the Marine Monument Advisory Council that the Marianas Trench National Marine Monument Visitors' Center be located at the Marpi area (Lot. 009C06) (17,107.24 square meters) in Marpi, Saipan, Commonwealth of the Northern Mariana Islands.

**REP. RAMON A. TEBUTEB** of Saipan, Precinct 3 (*for himself*)

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Tebuteb. Are there any further House Joint Resolutions?

***House Commemorative Resolutions:***

Speaker Joseph P. Deleon Guerrero: There being none, we go to House Commemorative Resolutions are there any for introduction? If there is none, I have House Commemorative Resolution 18-2, "To recognize and commend Northern Arizona University, its faculty and students for choosing the Commonwealth of the Northern Mariana Islands as its destination for their scientific research in the field of conservation." This Commemorative Resolution is open for any member who have not cosigned may do so. Are there any others under House Commemorative Resolution? The last item is House Concurrent Resolution, there being none, I would like to call a short recess.

**C. RES. NO. 18-2**

To recognize and commend Northern Arizona University, its faculty and students for choosing the Commonwealth of the Northern Mariana Islands as its destination for their scientific research in the field of conservation.

**REP. JOSEPH P. DELEON GUERRERO** of Saipan, Precinct 1 (*for himself*, Representatives Anthony T. Benavente, Roman C. Benavente, Trenton B. Conner, Francisco S. Dela Cruz, Lorenzo I. Deleon Guerrero, Rafael S. Demapan, Christopher D. Leon Guerrero, Antonio P. Sablan, John Paul P. Sablan, Mariano Taitano, Ramon A. Tebuteb, and Edmund S. Villagomez)

***House Concurrent Resolutions: None***

*The House recessed at 2:45 p.m.*

**RECESS**

*The House reconvened at 3:15 p.m.*

Speaker Joseph P. Deleon Guerrero: We return to our session. We left of on item V, Resolutions. All resolutions introduced today with the exception of House Joint Resolution 18-7 and Commemorative Resolution 18-2, which did not meet the 24 hour pre-filing requirement, will be placed on today's Resolution Calendar. Any further on item V before we move on?

*Several members voiced "ready".*

**MESSAGES FROM THE GOVERNOR**

Speaker Joseph P. Deleon Guerrero: We now move on to Messages from the Governor, Clerk.



Clerk: Mr. Speaker, we have Governor's Communication 18-25 and 18-26.

Speaker Joseph P. Deleon Guerrero: Comments from the members on any Communications from the Governor? Recognize Representative Conner.

Representative Trenton B. Conner: Thank you, Mr. Speaker. This is in regards to Governor's Communication 18-26, pertaining to House Local Bill 18-2, which became Tinian Local Law 18-3. I would just like to commend and thank the Governor for the expeditious signing of the bill. Thank you.

GOV. COMM. 18-26: (4/22/13) Informing the House that he signed into law H. L. B. NO. 18-2, (Appropriating \$36,948.00 from local license fees collected for poker and pachinko slot machines for the Second Senatorial District.). Became **Tinian Local Law 18-3**. [For info]

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Conner. Any further comments on item VI? There being none, we go on to item VII, Senate Communications and I recognize the Floor Leader for a motion to accept.

*There were no discussions made for the following Governor's Communication.*

GOV. COMM. 18-25: (4/20/13) **Executive Order 2013-07** – 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

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Under item VII, we do have five Senate Communications. I now move to accept all Senate Communications to be the property of the House.

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: A motion has been offered to accept Senate Communications 18-29 to 18-33, the motion has been seconded, discussion.

*Several members voiced "ready".*

*There was no discussion and the motion to accept Senate Communications 18-29 to 18-33 was carried by voice vote. There was no nay vote.*

Speaker Joseph P. Deleon Guerrero: I now turn it over to the Floor Leader for a motion to accept and we are going to do this individually in case some members want to discuss the matter, to refer the relevant Senate Communications to the relevant Calendar. Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Under Senate Communication 18-29, Senate Bill 18-18, SS1, entitled "To amend 1 CMC § 8131 (a) as amended by PL 17-80 (Civil

Service Act) , by adding a new subsection (a)(13); and for other purposes,” to be placed on today’s calendar, so move.

SEN. COMM. 18-29: (4/22/13) Transmitting for House action S. B. NO. 18-18, SS1, entitled, “To amend 1 CMC § 8131 (a) as amended by PL 17-80 (Civil Service Act) , by adding a new subsection (a)(13); and for other purposes,” which was passed by the Senate on April 19, 2013. [*For action*]  
**(Moved to Bill Calendar for action)**

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered to place Senate Bill 18-18, Senate Substitute 1 on the Bill Calendar, it has been seconded, discussion?

*Several members voiced “ready”.*

*There was no discussion and the motion to place Senate Bill 18-18, SS1 in the Bill Calendar was carried by voice vote. There was no nay vote.*

Speaker Joseph P. Deleon Guerrero: For the next communication, Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Under Senate Communication 18-30, Senate Bill 18-21 entitled, “To amend 1 CMC § 8282 (death benefits); and for other purposes,” I know move to place this Senate Communication on today’s calendar.

SEN. COMM. 18-30: (4/22/13) Transmitting for House action S. B. NO. 18-21, entitled, “To amend 1 CMC § 8282 (death benefits); and for other purposes,” which was passed by the Senate on April 19, 2013. [*For action*]  
**(Moved to Bill Calendar for action)**

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered and seconded to place Senate Bill 18-21 on the Bill Calendar, it has been seconded, discussion?

*Several members voiced “ready”.*

*There was no discussion and the motion to place Senate Bill 18-21 in the Bill Calendar was carried by voice vote. There was no nay vote.*

Speaker Joseph P. Deleon Guerrero: Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Under Senate Communication 18-31, Senate Bill 18-22 entitled, “To amend 6 CMC § 1434 (b) (resisting arrest); and for other purposes,” to be placed on today’s calendar.

SEN. COMM. 18-31: (4/22/13) Transmitting for House action S. B. NO. 18-22, entitled, “To amend 6 CMC § 1434 (b) (resisting arrest); and for other purposes,” which was passed by the Senate on April 19, 2013. [*For action*]  
**(Moved to Bill Calendar for action)**

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered by the Floor Leader to place Senate Bill 18-22 on the bill calendar, it has been seconded, discussion.

*Several members voiced “ready”.*

*There was no discussion and the motion to place Senate Bill 18-22 in the Bill Calendar was carried by voice vote. There was no nay vote.*

Speaker Joseph P. Deleon Guerrero: Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. On the Senate Communication 18-32 reference to Senate Bill 18-23, entitled “To amend 6 CMC § 2208; and for other purposes,” to be placed on today’s calendar.

SEN. COMM. 18-32: (4/22/13) Transmitting for House action S. B. NO. 18-23, entitled, “To amend 6 CMC § 2208; and for other purposes,” which was passed by the Senate on April 19, 2013. [*For action*]  
**(Moved to Bill Calendar for action)**

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered and seconded for the placement of Senate Bill 18-23 on today’s calendar. Discussion.

*Several members voiced “ready”.*

*There was no discussion and the motion to place Senate Bill 18-23 in the Bill Calendar was carried by voice vote. There was no nay vote.*

Speaker Joseph P. Deleon Guerrero: Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Under Senate Communication 18-33 reference Senate Bill 18-20, SS1, entitled, “To provide for the selection of the teacher representative within the public school system to serve as a nonvoting teacher representative in the CNMI State Board of Education pursuant to Article XV, Section 1(c), of the NMI Constitution; and for other purposes,” to be placed on today’s calendar.

SEN. COMM. 18-33: (4/22/13) Transmitting for House action S. B. NO. 18-20, SS1, entitled, “To provide for the selection of the teacher representative within the public school system to serve as a nonvoting teacher representative in the CNMI State Board of

Education pursuant to Article XV, Section 1(c), of the NMI Constitution; and for other purposes,” which was passed by the Senate on April 19, 2013. [*For action*]  
**(Referred to the Committee on Education)**

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered and seconded for the placement of Senate Bill 18-20, Senate Substitute 1. Motion has been seconded, discussion? I recognize the Vice-Speaker.

Vice-Speaker Francisco S. Dela Cruz: Thank you, Mr. Speaker. I know that this particular legislation has to do with the teacher of the year to be also the teacher representative on the State Board of Education. A nonvoting member, if you will, I would like to ask that this particular legislation be assigned to the Committee on Education so we can look at the merits. I am unclear as to why a teacher of the year should also be the teacher representative for the entire CNMI Public School System. I would like to gather more information, maybe even hear from the State Board of Education, their thoughts on this particular legislation. Being a teacher of the year does not necessarily mean that they are also amenable to being a representative on the State Board of Education. And with that Mr. Speaker, again I ask that this particular legislation be referred to the Committee on Education. Thank you.

Speaker Joseph P. Deleon Guerrero: Thank you, Vice-Speaker. I recognize the Chairman of the Committee on Education under discussion.

Representative Roman C. Benavente: Thank you, Mr. Speaker. Thank you, Vice-Speaker for your good comment. In line with what the Vice-Speaker has mentioned it is very true that to be a teacher of the year, when you get selected as teacher of the year your term is only one year. The following year another teacher of the year will be selected. So it is a moving opportunity for the teachers. For the Board of Representative, you have to be four years member of the board, whether you are a voting or nonvoting board member. I do agree that there should be a public school representative for the Board of Education because right now there is a private school representative for the board of education and I would like to see one public school representative for the Board of Education. To select the teacher of the year for Board of Education to be the representative for Board of Education, I am pretty sketchy to that affect. I think it should be selected or voted by the rest of the teachers in the entire system and I think it is a good recommendation for the Vice-Speaker to put it back into committee and reevaluate and reassess the differences and the different comments that is needed and more findings with regards to the intent of this bill. Thank you, Mr. Speaker.

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Benavente. I recognize Representative Sablan.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. I think there is a standing motion on the floor and I think a couple of recommendations requesting the Chair and the Floor Leader to refer and I am not sure whether the Vice-Speaker has made the motion to refer this particular legislation to committee. I, too would like that this particular legislation be referred to committee. Thank you.

Vice-Speaker Francisco S. Dela Cruz: Point of clarification, Mr. Speaker.

Speaker Joseph P. Deleon Guerrero: State your point.

Vice-Speaker Francisco S. Dela Cruz: Thank you, Mr. Speaker. I believe that a motion has been made and seconded on placing of the legislation to the Bill Calendar. So a motion needs to be made to retract or withdraw that motion so we can place the other motion, which is to refer it to a committee. Thank you.

Speaker Joseph P. Deleon Guerrero: Thank you, Vice-Speaker. You are correct, but before we go forth with whatever direction I think we still had a few comments from the members. I recognize Representative Janet Maratita.

Representative Janet U. Maratita: Thank you, Mr. Speaker. Just for the members update. This is a revived bill from the 17<sup>th</sup> Legislature and to my recollection, the Public School System State Board has some objection to that particular bill and this again is a revive from the last legislature. So just to note that to the Committee on Education. Thank you.

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Maratita. I recognize Representative Santos.

Representative Teresita A. Santos: Thank you, Mr. Speaker. I, too echo the same sentiments as that of the Vice-Speaker and that is to refer this particular bill back to the Committee on Education to fully review its merits including obtaining comments from the Public School System and the State Board of Education. Thank you, Mr. Speaker.

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Santos. I recognize Representative Tebuteb.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. I do agree that there is a motion on the floor and I think we should proceed and entertain the motion on the floor to submit this to the Bill Calendar. In line 4, specifically because of the concerns raised is very clear and the rest of the Section 2 and 3 are much more clear than the simple intent of having this process go through. I move that we close debate and vote on the motion.

Speaker Joseph P. Deleon Guerrero: Motion to end debate is undebateable. First, let me ask are there any objections to having this bill referred back to committee?

*Several members voiced "no objection".*

Speaker Joseph P. Deleon Guerrero: There being no objections, Floor Leader please offer –

Vice-Speaker Francisco S. Dela Cruz: Point of clarification, Mr. Speaker.

Speaker Joseph P. Deleon Guerrero: State your point.

Vice-Speaker Francisco S. Dela Cruz: You stated if there was no objection having this referred back to the committee, has it been to the Committee on Education?

Speaker Joseph P. Deleon Guerrero: To clarify, Vice-Speaker the motion is to place it on the Bill Calendar so if there is no objection to put it in the committee.

Vice-Speaker Francisco S. Dela Cruz: Thank you, Mr. Speaker.

Speaker Joseph P. Deleon Guerrero: Thank you for the clarification. Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Again and the reason why I made that motion is because a few minutes ago we were discussing on this matter and we all agreed that it would be referred over to the committee. Having said that I now making a motion to recall Senate Communication 18-33 and leave it under item VII for the disposition of the Chairman, so move.

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Can you clarify your motion? To leave it under Senate Communication for referral by the Chair is that the motion?

Floor Leader Rafael S. Demapan: That is correct.

Speaker Joseph P. Deleon Guerrero: Clarified and it has been seconded, discussion. Under discussion, Representative Tebuteb.

Representative Ramon A. Tebuteb: I believe there is a motion on the floor to put this on the calendar, we need to dispose that.

Speaker Joseph P. Deleon Guerrero: Thank you for the clarification, but Floor Leader did you withdraw your motion first?

Floor Leader Rafael S. Demapan: I did place a motion to recall the Senate Communication 18-33, which is the subject that is in question and bring it back to Senate Communication which is item VII.

Speaker Joseph P. Deleon Guerrero: I think we have done this in that past. Are there any objections to the Floor Leader withdrawing his motion to place this on the Bill Calendar? There being no objection, the Floor Leader has offered a motion to leave Senate Communication 18-33 on the Senate Communication for referral by the Chair that is the motion that the Floor Leader offered and it was seconded. Under discussion, Representative Tebuteb made a discussion and it has been clarified, any further discussion?

*Several members voiced “ready”.*

*There was no further discussion and the motion for Senate Communication 18-33 to remain under item VII, Senate Communication for the Chair to refer the Senate Communication*

*to its respective committee was carried by voice vote. Representative Ramon A. Tebuteb voiced nay.*

Speaker Joseph P. Deleon Guerrero: At this time the Chair would be referring Senate Communication 18-33 relevant to Senate Bill 18-20, Senate Substitute 1 to the Committee on Education. We now move on to item VIII, House Communications. Clerk.

### **HOUSE COMMUNICATIONS**

Clerk: Mr. Speaker, we have House Communication 18-36.

Speaker Joseph P. Deleon Guerrero: Thank you, Clerk. We move on to item XV, there being no communications from the Judicial Branch, the Department and Agencies, Miscellaneous, none under Reports of Standing Committees and none under Reports of Special and Conference Committees. Under item XV, Resolution Calendar, I recognize the Floor Leader.

*There was no discussion for the following House Communication.*

HSE. COMM. 18-36: (4/24/13) From Representative Seman informing the Speaker that he will be off-island beginning Monday, May 6, 2013 until Friday, May 10, 2013 and request to be excused from any sessions or meetings during his absence.

### **COMMUNICATIONS FROM THE JUDICIAL BRANCH**

None

### **COMMUNICATIONS FROM DEPARTMENTS & AGENCIES**

None

### **MISCELLANEOUS COMMUNICATIONS**

None

### **REPORTS OF STANDING COMMITTEES**

None

### **REPORTS OF SPECIAL AND CONFERENCE COMMITTEES**

None

### **UNFINISHED BUSINESS**

None

## RESOLUTION CALENDAR

*There were no discussions made for the following resolutions.*

**H. Res. No. 18-15**

Respectfully urging Governor Eloy S. Inos to overhaul the medical referral office in order to improve services for the patients of the Commonwealth of the Northern Mariana Islands.

**H. Res. No. 18-16**

Respectfully requesting Mr. James Deleon Guerrero, Commissioner of the Department of Public Safety to enforce bicycle laws.

**H. Res. No. 18-17**

To amend HR 18-1, House of Representatives Rules of Procedure, Rule V, Section 8, Dress Code.

**H. Res. No. 18-19**

To applaud and commend Mrs. Maryjane L. Fleming for her outstanding services as a volunteer at Koblerville Elementary School as a librarian.

**H. RES. NO. 18-20**

To applaud and recognize the Pacific Islands Club contributions to the Commonwealth of the Northern Marianas community.

**H. J. R. NO. 18-5**

To fully support the five-year extension of the transitional period of the Commonwealth Only Transitional Worker Program beyond December 31, 2014 so that the Commonwealth of the Northern Mariana Islands will have an adequate amount of time to fully adjust to the transition.

**H. J. R. NO. 18-6**

Respectfully urging Governor Eloy S. Inos to concur and support the opinion of the Attorney General that former Governor Benigno R. Fitial had no authority to enter into the Power Purchase Agreement with Saipan Development, LLC.

**H. J. R. NO. 18-7**

Respectfully requesting the Marine Monument Advisory Council that the Marianas Trench National Marine Monument Visitors' Center be located at the Marpi area (Lot. 009C06) (17,107.24 square meters) in Marpi, Saipan, Commonwealth of the Northern Mariana Islands.

**C. RES. NO. 18-2**

To recognize and commend Northern Arizona University, its faculty and students for choosing the Commonwealth of the Northern Mariana Islands as its destination for their scientific research in the field of conservation.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. If there are no objections, I would like to skip item XV and move down to item XVI.

Speaker Joseph P. Deleon Guerrero: Floor Leader that was not a motion and you said if there is no objection, but I did not hear any.

*Several members voiced "no objection".*

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Alright, for the passage of Senate Bill-

Vice-Speaker Francisco S. Dela Cruz: Point of clarification.

Speaker Joseph P. Deleon Guerrero: State your point.

Vice-Speaker Francisco S. Dela Cruz: May I ask our Floor Leader to enlighten us as to why we are jumping a step ahead. I know there may have been no objection to that motion, but I believe that there are some important resolutions on the Resolution Calendar to dispose of. I just wonder whether we are now in haste mode to proceed right into the Bill Calendar, but may I ask if we are even going to entertain resolutions today.



Speaker Joseph P. Deleon Guerrero: Recognized Floor Leader.

Floor Leader Rafael S. Demapan: Members, earlier I mentioned if there are no objections I would like to skip item XV and go to item XVI, there appears to be no objection so with that we now move to item XVI and proceed with the Bill Calendar.

Speaker Joseph P. Deleon Guerrero: For the second time, Vice-Speaker.

Vice-Speaker Francisco S. Dela Cruz: For the second and last time on this issue, I believe that you should rule on that motion that the Floor Leader has made. The motion is to skip item XV and move to item XVI, it was seconded. So now, I believe it is up to you the Chair to rule.

Speaker Joseph P. Deleon Guerrero: For the last time Floor Leader.

Floor Leader Rafael S. Demapan: Thank you again, Mr. Speaker. I guess the reason why I made that motion is because of the urgency on the Senate Bill. As we all know we do have the stakeholders that are here so if there are any concerns, they are here to answer additional concerns or questions and because of that I made that request. Thank you.

Speaker Joseph P. Deleon Guerrero: Thank you, Floor Leader. Looking at the Resolution Calendar, I understand there was no objection and I understand the rationale for moving to the Bill Calendar. There are some resolutions here that some members have asked that noncontroversial ones that they would be acted on. I want to take a short recess. Short recess.

*The House recessed at 3:39 p.m.*

*RECESS*

*The House reconvened at 3:43 p.m.*

Speaker Joseph P. Deleon Guerrero: Thank you members, we are now back into our session and before we continue on our last discussion, I just want to take this opportunity to recognize the former Speaker of the House Arnold Palacios, welcome back to the chamber. The last discussion we were having was the Floor Leaders request to skip item XV and go on to the Bill Calendar item XVI. Just for clarification, he did not intend to not act on item XV, Resolution Calendar, merely to go on to the Bill Calendar and dispose of the bills on the Bill Calendar and then go back to the Resolution Calendar because there are those in the gallery that are here and may be able to provide answers if need be. So since there was no objection the Chair will rule that we now go on to item XVI, Bill Calendar and I turn it over to the Floor Leader for the proper motion.

## **BILL CALENDAR**

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Again, thank you for that explanation. For the passage of Senate Bill 18-18, SS1, so move.

**S. B. NO. 18-18, SS1**

A Bill for an Act to amend 1 CMC § 8131 (a) as amended by PL 17-80 by adding a new subsection (a)(13); and for other purposes. [*See SEN. COMM. 18-29*]

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered for the passage of Senate Bill 18-18, SS1, this is “A Bill for an Act to amend 1 CMC § 8131 (a) as amended by PL 17-80 by adding a new subsection (a)(13); and for other purposes.” Relevant to Senate Communication 18-29, motion has been offered and seconded, discussion. Recognized Representative Tebuteb.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. I believe all the members have a copy of my written floor amendment to Senate Bill 18-18, SS1 for discussion.

Speaker Joseph P. Deleon Guerrero: Representative Tebuteb, can you please orally read out your Floor Amendment.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker.

*Representative Ramon A. Tebuteb offered the following amendment:*

#### **FLOOR AMENDMENT**

**To:** S. B. 18-18, SS1

**Offered by:** Representative Ramon A. Tebuteb

**AMENDMENT:**

Section 2 of Senate Bill 18-18, SS1 is hereby amended to read as follows:

**Section 2. Amendment.** 1 CMC § 8131(a) as amended by Public Law 17-80 is amended by adding a new subsection (a)(13) as follows:

“(a)(13) Positions where the appointing authority, with the ~~concurrence certification of~~ by the Director of Personnel, ~~has certified~~ that the service to be performed is special and unique and is essential to the public interest, ~~and that~~, because of the degree of expertise or special knowledge required and the essential nature of the services to be performed, ~~it would not be practical to obtain personnel, including attorney positions, to perform such service through normal public service recruitment procedures~~ Provided however that the Civil Service Commission shall promulgate rules and regulations for this specific subsection ((a)(13)).”

Consistent with the intent of the foregoing amendment(s), I hereby also move to allow the Legal Counsel together with the Clerk to make further non-substantive technical amendments that are strictly necessary to effectuate the intent of this floor amendment prior to transmittal.

Date: April 25, 2013

/s/ Rep. Ramon A. Tebuteb

Reviewed by:

/s/ John Cool  
Legal Counsel

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: It has been moved and seconded, discussion. Recognized Representative Antonio Sablan.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. In regards to the amendment offered by our good colleague. I have a concern in regards to the last part of the amendment which says, “Provided however that the Civil Service Commission shall promulgate rules and regulations for this specific subsection ((a)(13)).” I am just concern that that particular language in essence stops everything until such time that the Civil Service Commission promulgates the necessary regulations to effectuate this subsection of the statute. Again, I believe that we are entertaining this particular legislation to address the pressing needs in regards to the processing of contracts for so-called special and unique positions that are currently pending before Office of Personnel Management (OPM). Again, I ask my good colleague whether he can reconsider his amendment and eliminate the last part of his floor amendment. I have no problem with the first part that says, “the appointing authority, with the certification by the Director of Personnel, that the service to be performed” and so on, I have no objection to that. However, I believe it is of legal opinion that the last part of the amendment might throw in a road block to the immediate execution of the pending contracts that are basically the reason for this legislation in attempting to amend Public Law 17-80 to allow the OPM and Civil Service to allow for the hiring process of these job categories that are currently at issue. I think in our discussion with the AG and the Legal Counsel of Civil Service Commission, we have been given assurance that the commission would be task in drafting up the necessary regulations specifically addressing the so-called standards of special and unique and even to the extent of looking and reviewing the so-called special and unique occupational titles and certify those titles so that they can be used as the basis for invoking the proposed legislation by amending 1 CMC 8331(a) under Public Law 17-80. So again, I ask my good colleague if he can eliminate the last part of his amendment. While I have the floor Mr. Speaker if I can continue, my initial concern of the similar House Bill of the same matter was to provide a mechanism with regards to exploiting this provision to get away from the intent of competitive recruitment in the hiring of positions within the government and that was the reason for my objection or my concern and the earlier legislation. I believe that the compromise that has been put forth by the Attorney General’s (AG) Office and the representatives of OPM and Civil Service Commission are sufficient to move forward with this legislation to address the pressing needs in regards to the pending contracts. Thank you, Mr. Speaker.

Speaker Joseph P. Deleon Guerrero: I recognize the Vice-Speaker.

Vice-Speaker Francisco S. Dela Cruz: Thank you, Mr. Speaker. I know today we have the pleasure of having our Attorney General San Nicolas in the gallery today and I want to just see whether we can fall into the Committee as a Whole so that we can ask Attorney General San Nicolas his opinion or maybe even Gus who is the Assistant Attorney General under the Civil Service Commission on this particular amendment and to hear first hand from them whether this

particular amendment would be a hindrance to this particular legislation and what it proposes to clarify. Thank you, Mr. Speaker.

Speaker Joseph P. Deleon Guerrero: Thank you, Vice-Speaker. Before we consider that option, further discussion Representative Tebuteb.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. I really do not have any objection to the request by the Vice-Speaker and not to take anything away from the Attorney General and with respect to the request by Chairman Sablan to consider withdrawing part of the amendment and specifically just because of the request and part of the amendment request Representative Sablan has inquired of the author of this written floor amendment, perhaps our Legal Counsel can chime in before we go to the Committee as a Whole, specifically for that request asked by Representative Sablan.

Speaker Joseph P. Deleon Guerrero: Before I recognize that request for the Legal Counsel, just to provide the members with some of the discussion that was heard yesterday and it is good that the Civil Service Commission – I do not know if they are still here, but I do see the Director of OPM and the AG’s Office – relevant to the concerns that were raised by the members on this bill, three points were brought up that would further assure that restoring back 1 CMC 8131(a) that potential for abuse or for political hiring practices that those potential be curbed was through three points that I understood was made. One was that OPM and the Civil Service Commission that they would review those positions that are currently under the excepted service contracts to determine if those positions can and may be included in the Civil Service Classification System and I see Gus the Assistant AG nodding his head that is one assurance. Second that Representative Sablan has mentioned that Civil Service Commission and OPM again would clearly define what special and unique position means. In other words it would be clearly delineated. Third that the Office of the Attorney General would look into every excepted service contract falling under this provision as they are routed for signature to ensure that practices of political hiring would be scrutinized and before they affix their signatures to that contract and that is my understanding. These are the assurances that if we restore back these provisions that there are those protection and I think I say this before we go into Committee of the Whole so that the folks out there from the AG and OPM are aware of these assurances. Now, because we are discussing Representative Tebuteb – concern raised by Representative Sablan about that last amendment, if I may if there is no objection would like to raise another issue regarding your amendment and that is the provision that you struck out before you added that language for the promulgation of regulation – the provision that was struck out – I think is essential to that provision otherwise it leaves it unclear. Let me explain it by reading it. It says “Positions where the appointing authority, with the certification by the Director of Personnel, that the service to be performed is special and unique and is essential to the public interest, because of the degree of expertise or special knowledge required and the essential nature of the services to be performed. It would not be practical to obtain personnel, including attorney positions, to perform such service through normal public service recruitment procedures.” If you remove that section it would read, “and the essential nature of the services to be performed” and then nothing after that and then “Provided however that the Civil Service Commission shall promulgate rules and regulations for this specific subsection ((a)(13)).” I think it does not for the sake of legislative intent. If you were to strike out those, you need to put something in to further what was said

earlier, Representative Tebuteb. So I just thought I would raise that something should be in there. You cannot just strike it out without clarifying further. Legal Counsel, please proceed.

Legal Counsel John Cool: In respect to the elimination of the last sentence that was added provided however, the Civil Service Commission already has the authority to promulgate regulations and Public Law 17-80 even covers the authority to promulgate regulations in areas such as hard to recruit individuals that don't come within the Civil Service. So the actual liner provision is not really necessary. And in respect to the second comment about the sentence that is stricken out it is left kind of hanging after the word services to be performed. There is something that needs to be there to qualify that further. The only thing that I would recommend is that the words "including attorney positions" that be excluded from the amendment since that actually defines a group that will be covered by this exemption and takes it out of the discretionary authority of the appointing authority of the Director of Personnel. I think I have probably answered too much.

Speaker Joseph P. Deleon Guerrero: Thank you, Legal Counsel. I recognize Representative Tebuteb you still have the floor.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. I do want to go to the request offered by the Vice-Speaker to move to the Committee as a Whole, but because of the statements that you had provided earlier and that is already on record that there are some degree of assurance from nodding and perhaps what is written in the findings and I am going to direct everybody's attention to page 1 of line 19 or you can start to line 18 with respect to that and that "The intent of this Act is to ratify those accepted service contracts that were executed by employees and their respective employers but due to the exclusion of the authority to hire personnel with special and unique skills, degree of expertise or special knowledge requirements, such contracts are not valid or have not been certified by the Office of Personnel Management." So what I am hearing on the first statement from our Legal Counsel is that so present if the existing rules provides for that then why do we need this bill?

Legal Counsel John Cool: My comment was that the existing Public Law 17-18 allows the Civil Service Commission to promulgate regulations, which would include the regulations relating to the implementation of the proposed 8131(a) and that the language at the end reading "Provided however that the Civil Service Commission shall promulgate rules and regulations for this specific subsection ((a)(13))" is actually not necessary since the authority to promulgate rules and regulations exist, first of all, generally to implement the Civil Service Act. And there is also a specific one in addition to that that makes reference to rules and regulations relating to the recruitment and hiring of persons within the Civil Service and one of the examples was hard to fill positions. So the authority to promulgate the regulations is already there, we do not really need to restate it.

Speaker Joseph P. Deleon Guerrero: Thank you, Legal Counsel. Representative Tebuteb, do you want to continue?

Representative Ramon A. Tebuteb: Actually, I do not want to deliberate on the issue more so than move on because of the urgency as well as what has already been requested on the floor. I do have but I will yield for now.

Speaker Joseph P. Deleon Guerrero: A request by the Vice-Speaker was to dissolve into Committee of the Whole. So the motion would have to be made by the Floor Leader. Floor Leader.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Now I make a motion that we dissolve into Committee as a Whole.

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered by the Floor Leader it has been seconded, discussion?

*Several members voiced “ready”.*

*There was no discussion and the motion to dissolve into Committee of the Whole was carried by voice vote. There was no nay vote.*

*The House dissolved into Committee of the Whole at 4:08 p.m.*

#### COMMITTEE OF THE WHOLE

*The House reconvened in plenary session at 4:40 p.m.*

Speaker Joseph P. Deleon Guerrero: Floor Leader can you offer the proper motion to resolve back into our plenary session.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Now, I make a motion that we dissolve back to our plenary session.

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: Motion has been offered and seconded, discussion.

*Several members voiced “ready”.*

*There was no discussion and the motion to reconvene in plenary session was carried by voice vote. There was no nay vote.*

Speaker Joseph P. Deleon Guerrero: We are back to our plenary session. Representative Tebuteb, I have been listening all these time and I think I understand and I can sympathize with the concerns that you are raising. So far from everything we have heard, if there is no objection, I want to offer or recommend a course of action in your amendment, which the Legal Counsel can then effectuate. Perhaps I may state is out and you guys can listen to it. It is basically to maintain everything you have offered in your amendment. On line 3, as recommended by the Legal Counsel where it states, “is essential to the public interest” strikeout “and that” so it would read, “that services to be performed is special and unique and is essential to the public interest because of the degree of expertise or special knowledge required and the essential nature of the services

to be performed.” The rest of that sentence will still be struck out and because I think the issue that the Civil Service Commission does have the authority to promulgate rules and regulation that we strike out that sentence as well and let that be the compromise. I think because the Civil Service Commission rather the Director of OPM is here, Mr. Seman, I think you can appreciate the concern here and that is you and the Civil Service Commission has the authority to promulgate regulations. I think the issue here is that we want to ensure that the words special and unique is defined in your rules and regulation. Now, we can put it in here and make it by law, but I think from all the comments we have heard including the AG himself that that is what the Civil Service Commission and OPM intends to do. We will not put it in and make it by law, but the legislative intent is there that OPM and the Civil Service through your regulations clearly define what is special and unique. So with that, Representative Tebuteb, we will take a short recess and have the Legal Counsel prepare the amendment so you can withdraw your first amendment and offer this as an alternative. Before I recognize Representative Tebuteb, Vice-Speaker.

Vice-Speaker Francisco S. Dela Cruz: Mr. Speaker, as you stated, I believe we are ready to make a subsidiary amendment at this point in time. Thank you.

Speaker Joseph P. Deleon Guerrero: Vice-Speaker, because our rules require that any amendments be done in writing, what I stated was just a recommendation, but it has to be done by the mover. Short recess.

*The House recessed at 4:45 p.m.*

*RECESS*

*The House reconvened at 5:02 p.m.*

Speaker Joseph P. Deleon Guerrero: Thank you, members. We resume where we left off and I now recognize Representative Tebuteb.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. With respect to the previous motion for the adoption of the written floor amendment, I would like to withdraw the original written floor amendment and resubmit a similar floor amendment.

Speaker Joseph P. Deleon Guerrero: Before you do that is there any objection?

*Several members voiced “no objection”.*

Speaker Joseph P. Deleon Guerrero: Please continue.

Representative Ramon A. Tebuteb: If there is no objection, I would now like to officially submit to the members for consideration a new written floor amendment and I believe all the members have had the opportunity to discuss the issue and also I have provided copies.

*Representative Ramon A. Tebuteb offered the following amendment:*

#### **FLOOR AMENDMENT**

**To:** S. B. 18-18, SS1

**Offered by:** Representative Ramon A. Tebuteb

**AMENDMENT:**

Section 2 of Senate Bill 18-18, SS1 is hereby amended to read as follows:

**Section 2. Amendment.** 1 CMC § 8131(a) as amended by Public Law 17-80 is amended by adding a new subsection (a)(13) as follows:

“(a)(13) Positions where the appointing authority, with the concurrence and certification ~~of by~~ the Director of Personnel, ~~has certified~~ that the service to be performed is special and unique and is essential to the public interest, ~~and that~~, because of the degree of expertise or special knowledge required and the essential nature of the services to be performed, ~~it would not be practical to obtain personnel, including attorney positions, to perform such service through normal public service recruitment procedures~~

Consistent with the intent of the foregoing amendment(s), I hereby also move to allow the Legal Counsel together with the Clerk to make further non-substantive technical amendments that are strictly necessary to effectuate the intent of this floor amendment prior to transmittal.

Date: April 25, 2013

/s/ Rep. Ramon A. Tebuteb

Reviewed by:

/s/ John Cool  
Legal Counsel

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: A motion has been offered and it has been seconded, discussions on the amendment. I recognize Representative Ogumoro.

Representative Felicidad T. Ogumoro: I have no problem with this amendment, Mr. Speaker, but like I said before there is something missing here maybe after the word “authority” because it sounds awkward the way it is written so I was asking the Legal Counsel to please reconsider the way that the current language is because a couple of words are missing there. After the word “authority.”

Speaker Joseph P. Deleon Guerrero: Legal Counsel, would you like to respond.

Legal Counsel John Cool: After the word “authority,” it is just that we have changed the phrase “because of the degree of expertise or special knowledge required and the essential nature of the services to be performed” we have changed that from a phrase that had previously qualified a statement that followed it to qualifying the preceding statement, which would be the “performed



is special and unique and is essential to the public interest” that will be now qualified by the phrase instead of the phrase qualifying the former language so it make it read more logically.

Speaker Joseph P. Deleon Guerrero: Representative Ogumoro.

Representative Felicidad T. Ogumoro: Am I the only one seeing that error. Perhaps after the words “has certified” were deleted, the sentence is not complete. Should we reinstate the words has certified?

Legal Counsel John Cool: What they did was they took out the words “has certified” following the Director of Personnel and placed it before so its concurrence and certification by the Director of Personnel and he is certifying that the services to be performed is special and unique and essential to the public interest. The “has certified” has been replaced with the word “certification” which appears now before the Director of Personnel.

Speaker Joseph P. Deleon Guerrero: So Mr. Cool, before I recognize any other, does the floor amendment as proposed legally sufficient and worded properly and all the verbs are connected to the noun and the stars are align, can it stand as it is written, a simple yes or no.

Legal Counsel John Cool: Yes.

Speaker Joseph P. Deleon Guerrero: Thank you, Mr. Cool. Recognize Representative Antonio Sablan.

Representative Antonio P. Sablan: Thank you again, Mr. Speaker. I think this new subsection 8131 has to be read in context of the whole 1CMC section 8131(a). Reading it by itself might sound odd, but if you read it in the complete context of what is being provided for under 1CMC 8131(a) it would make complete sense. Thank you.

Speaker Joseph P. Deleon Guerrero: Thank you for that clarification that is correct. Ready for the question?

*Several members voiced “ready”.*

*There was no further discussion and the motion to adopt the floor amendment offered by Representative Ramon A. Tebuteb was carried by voice vote. There was no nay vote.*

Speaker Joseph P. Deleon Guerrero: Floor Leader for the main motion.

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. For the passage of Senate Bill 18-18, SS1 as amended so move.

*The motion was seconded.*

Speaker Joseph P. Deleon Guerrero: A motion has been offered by the Floor Leader on Senate Bill 18-18, SS1 and is now HD1 because of the amendment. So with that clarification, discussion.

*Several members voiced “ready”.*

*The Clerk called the roll on the motion for the passage of Senate Bill 18-18, SS1, 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	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	yes
Representative Richard B. Seman	yes
Representative Mariano Taitano	yes
Representative Ramon A. Tebuteb	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ralph N. Yumul	absent ( <i>excused</i> )
Speaker Joseph P. Deleon Guerrero	yes

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

Speaker Joseph P. Deleon Guerrero: Thank you. With all 18 members voting “yes,” Senate Bill 18-18, SS1, HD1 hereby passes the House. Members it is after five o’clock, I want to ask for your indulgence that we adjourn subject to the call so that our staff can –

*Several members voiced “no objection”.*

*There were no discussions made for the following legislations.*

**S. B. NO. 18-2**

A Bill for an Act to amend the Commonwealth Vehicle Code to authorize active duty U.S. military personnel stationed outside the CNMI in any state or territory to maintain or renew their vehicle registration in the CNMI, or register a new vehicle in the CNMI by complying with CNMI registration requirements any comparable requirements in the state or territory where they are stationed; and for other purposes. [*No public comments were received in a open and public meeting when the legislation appeared on the House Agenda of February 11, 2013 and April 23, 2013*] [*See Sen. Comm. 18-2*]

**H. B. NO. 18-15**

A Bill for an Act 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. [*S. C. R. NO. 18-6*]

**H. B. NO. 18-17**

A Bill for an Act 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. [*See S. C. R. NO. 18-8*]

**H. B. NO. 18-23**

A Bill for an Act to provide a tax incentive for individuals and businesses that purchase renewable energy devices. [*See S. C. R. NO. 18-9*]

**H. B. NO. 18-20**

A Bill for an Act 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 sidewalks; and for other purposes. [*See S. C. R. NO. 18-10*]

**S. B. NO. 18-1**

A Bill for an Act to rename the Department of Public Safety (DPS) Building in Tinian, Gilbert Manglona Taisacan Building; and for other purposes. [*See S. C. R. NO. 18-12*]

**S. B. NO. 18-21**

A Bill for an Act to amend 1 CMC § 8282 (death benefits); and for other purposes. [*See SEN. COMM. 18-30*]

**S. B. NO. 18-22**

A Bill for an Act to amend 6 CMC § 1434 (b) (resisting arrest); and for other purposes. [*See SEN. COMM. 18-31*]

**S. B. NO. 18-23**

A Bill for an Act to amend 6 CMC § 2208; and for other purposes. [*See SEN. COMM. 18-32*]

## MISCELLANEOUS BUSINESS

None

## ANNOUNCEMENTS

Speaker Joseph P. Deleon Guerrero: Before I ask the Floor Leader to offer a motion, an announcement that tomorrow at 2:00 p.m. is the island wide clean up day sponsored by the Department of Environmental Quality (DEQ) and all of us and our staff are asked to participate. Upon your discretion leave a skeleton crew at your office so that phone calls may be answered, but other than that we will meet tomorrow at 2:00 p.m. at the fishing base and half of the group would be transported to Kili Beach and the second group will be transported to Quarter Master and we would clean up and meet at the Fishing Base when we are done. There appears to be a barbeque committee headed by our Sergeant-At-Arms so if you are willing please consult with the Sergeant-At-Arms if you wish to make any donations for water or cool aid. Representative Deleon Guerrero.

Representative Lorenzo I. Deleon Guerrero: Thank you, Mr. Speaker. Also tomorrow morning we do have an entertainment meeting with DPL at 10:00 a.m.

Speaker Joseph P. Deleon Guerrero: Alright members take note. Thank you, Chairman. Any other, Vice-Speaker.

Vice-Speaker Francisco S. Dela Cruz: Thank you, Mr. Speaker. Also there is a meeting tomorrow morning for the Energy Task Force over at the Governor's conference room, those who are members of the Energy Task Force asked to attend this meeting.

Speaker Joseph P. Deleon Guerrero: Thank you, Vice-Speaker. I believe there is also an MIMC meeting at 2:00 p.m. tomorrow. Representative Benavente.

Representative Roman C. Benavente: Scholarship meeting at 2:00 p.m. also.

Speaker Joseph P. Deleon Guerrero: Is this your committee?

Representative Roman C. Benavente: No, but I am just attending the meeting.

Speaker Joseph P. Deleon Guerrero: Thank you, Chairman.

Vice-Speaker Francisco S. Dela Cruz: May I ask where the scholarship meeting is?

Representative Roman C. Benavente: At their office.

Speaker Joseph P. Deleon Guerrero: Noted. Representative Taitano.

Representative Mariano Taitano: Thank you, Mr. Speaker. Tomorrow late afternoon through evening till next morning Saturday, all night long tomorrow the Marianas March against cancer, please let us all go and support. It is worth the endeavor.

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Taitano. A very important function and of course we encourage everyone to participate from 6:00 p.m. tomorrow till 6:00 a.m. and please bring donations of water and other donations as well.

Representative Christopher D. Leon Guerrero: Just briefly, colleagues to be informed, tomorrow is your opportunity to make inquiries regarding public land leases from DPL, so this is your opportunity now.

Speaker Joseph P. Deleon Guerrero: Thank you, Floor Leader.

### **ADJOURNMENT**

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Motion to adjourn subject to your call.

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

*The House adjourned at 5:15 p.m.*

Respectfully submitted,

/s/

Venetia A. Sanchez  
House Journal Clerk

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### **APPEARANCE OF LOCAL BILLS**

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

**SECOND LEGISLATIVE DAY:**

H. L. B. NO. 18-13

To establish the unarmed combat sport and to establish the athletic commission act; and for other purposes. Introduced by REP. RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself*, Representatives Lorenzo I. Deleon Guerrero, Christopher D. Leon Guerrero, and Mariano Taitano) on April 25, 2013.

H. L. B. NO. 18-14

To impose a departure fee on each nonresident passenger who disembarks to Mañagaha Island on a commercial carrier. Introduced by REP. RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself*) on April 25, 2013.

**THIRD LEGISLATIVE DAY:** NONE

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*Appearance of Measures introduced on the House Floor during the House Session on 4/18/13:*

H. B. NO. 18-60

To amend 4 CMC §8481 Regulation of Cable Television by labeling the existing paragraph as (a) and to add (b) and (c) to the existing regulation; and for other related purposes. Introduced by REP. ROMAN C. BENAVENTE of Saipan, Precinct 1 (*for himself*, Representatives Lorenzo I. Deleon Guerrero, Janet U. Maratita, and Richard B. Seman) on April 25, 2013 was referred to the Committee on Public Utilities, Transportation, and Communications.

H. B. NO. 18-61

To repeal in its entirety 1 CMC § 8213(g), to eliminate the bonus for employees who are frozen in Step 12 and 1 CMC § 8215, to eliminate the within-grade and merit increase; and for other purposes. Introduced by REP. CHRISTOPHER D. LEON GUERRERO of Saipan, Precinct 4 (*for himself*, Representatives Antonio R. Agulto, Roman C. Benavente, and Lorenzo I. Deleon Guerrero) on April 25, 2013 was referred to the Committee on Judiciary and Governmental Operations.

H. B. NO. 18-62

To repeal NMIAC Section 10-20.21101 and restore mandatory salary increases for civil service employees. Introduced by REP. CHRISTOPHER D. LEON GUERRERO of Saipan, Precinct 4 (*for himself*, Representatives Antonio R. Agulto, Roman C. Benavente, and Lorenzo I. Deleon Guerrero) on April 25, 2013 was referred to the Committee on Ways and Means.

H. B. NO. 18-63

To create the CNMI Wellness Program Tax Credit Act of 2013; and for other purposes. Introduced by REP. ANTONIO R. AGULTO of Saipan, Precinct 5 (*for himself*) on April 25, 2013 was referred to the Committee on Ways and Means.

H. B. NO. 18-64

To amend Rota Local Law No. 17-6; and for other purposes. Introduced by REP. TERESITA A. SANTOS of Rota, Precinct 7 (*for herself*) on April 25, 2013 was referred to the Committee on Judiciary and Governmental Operations.

H. B. NO. 18-65

To preserve and designate two hectares of public land on the island of Rota for the future site of the Rota Public Cemetery; and for other purposes. Introduced by REP. TERESITA A. SANTOS of Rota, Precinct 7 (*for herself*) on April 25, 2013 was referred to the Committee on Natural Resources.

H. B. NO. 18-66

To require bonding by persons making procurement protests. Introduced by REP. LORENZO I. DELEON GUERRERO of Saipan, Precinct 5 (*for himself* Representative Christopher D. Leon Guerrero) on April 25, 2013 was referred to the Committee on Judiciary and Governmental Operations.

H. B. NO. 18-67

To designate 17,107.24 Square Meters of property (Lot. No. 009C06) in Marpi, Saipan for the Marianas Trench National Marine Monument Visitors' Center; and for other purposes. Introduced by REP. RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself*) on April 25, 2013 was referred to the Committee on Natural Resources.

**H. L. B. NO. 18-13**

To establish the unarmed combat sport and to establish the athletic commission act; and for other purposes. Introduced by REP. RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself*, Representatives Lorenzo I. Deleon Guerrero, Christopher D. Leon Guerrero, and Mariano Taitano) on April 25, 2013.

**H. L. B. NO. 18-14**

To impose a departure fee on each nonresident passenger who disembarks to Mañagaha Island on a commercial carrier. Introduced by REP. RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself*) on April 25, 2013.

**H. RES. NO. 18-20**

To applaud and recognize the Pacific Islands Club contributions to the Commonwealth of the Northern Marianas community. Introduced by REP. ANTONIO P. SABLAN of Saipan, Precinct 1 (*for himself*, Representative Joseph P. Deleon Guerrero) on April 25, 2013.

**H. J. R. NO. 18-6**

Respectfully urging Governor Eloy S. Inos to concur and support the opinion of the Attorney General that former Governor Benigno R. Fitial had no authority to enter into the Power Purchase Agreement with Saipan Development, LLC. Introduced by REP. LORENZO I. DELEON GUERRERO of Saipan, Precinct 5 (*for himself*, Representatives Roman C. Benavente, Trenton B. Conner, Francisco S. Dela Cruz, and Christopher D. Leon Guerrero) on April 25, 2013.

**H. J. R. NO. 18-7**

Respectfully requesting the Marine Monument Advisory Council that the Marianas Trench National Marine Monument Visitors' Center be located at the Marpi area (Lot. 009C06) (17,107.24 square meters) in Marpi, Saipan, Commonwealth of the Northern Mariana Islands. Introduced by REP. RAMON A. TEBUTEB of Saipan, Precinct 3 (*for himself*) on April 25, 2013.

**C. RES. NO. 18-2**

To recognize and commend Northern Arizona University, its faculty and students for choosing the Commonwealth of the Northern Mariana Islands as its destination for their scientific research in the field of conservation. Introduced by REP. JOSEPH P. DELEON GUERRERO of Saipan, Precinct 1 (*for himself*, Representatives Anthony T. Benavente, Roman C. Benavente, Trenton B. Conner, Francisco S. Dela Cruz, Lorenzo I. Deleon Guerrero, Rafael S. Demapan, Christopher D. Leon Guerrero, Antonio P. Sablan, John Paul P. Sablan, Mariano Taitano, Ramon A. Tebuteb, and Edmund S. Villagomez) on April 25, 2013.

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*House information on deadlines for override: None*