



HOUSE OF REPRESENTATIVES

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

REGULAR SESSION 2013

LEGISLATIVE JOURNAL

Fifth Day, Second Regular Session

Monday, September 23, 2013

The House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature convened its Fifth Day, Second Regular Session on Monday, 23rd of September 2013, at 2:21 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

A moment of silence was observed.

ROLL CALL

The Speaker recognized the Clerk for the roll; the Clerk having completed the roll announced to the Speaker that all 20 Members were present.

The Speaker announced that a quorum has been established and proceeded to Item 2, Public Comments.

PUBLIC COMMENTS

Speaker Joseph P. Deleon Guerrero: At this point are there any members from the public who wishes to offer public comments on any item appearing on today's Order of Business, you may do so by going up to the podium; we ask that you identify yourselves and also ask that you observe a five minute time limit on each member of the public; you may talk after we go through and others have had a chance to also speak; and you may talk for a second time. So with that the podium is open and you may just step up there.

Public comments were received by approximately 1 individual.

(1) *Mr. Alan Fletcher commented on S. C. R. NO. 18-49: Reporting on H. B. NO. 18-41, entitled: "To require all commercial businesses within the Commonwealth of the Northern Mariana Islands to be connected to the Commonwealth Utilities Corporation (CUC) power grid; and for other purposes."*

Speaker Joseph P. Deleon Guerrero: Are there any more public comments, okay, we move on then. We move to Item 4, Introduction of Bills, since there is no Journals for adoption today.

ADOPTION OF JOURNALS

NONE

INTRODUCTION OF BILLS***House Bills:***

The Chair now recognizes Representative Ralph Yumul.

Representative Ralph N. Yumul: Thank you Mr. Speaker. Introducing H. B. No. 18-123...

Speaker Joseph P. Deleon Guerrero: My apologies, Representative Yumul. Before we start off with the introduction of bills there is at least one member that has a bill for introduction that was not prefiled prior to the 24 hour Rule, and my apologies I would like to ask our Floor Leader to first offer a motion to suspend the Rule. Floor Leader?

Floor Leader Rafael S. Demapan: *Si Yu'us Ma'ase Mr. Speaker yan buenas tatus.* A motion to suspend Rule III, Section 4(d) to allow the House to amend the agenda by adding items on the agenda, so move.

There motion was seconded by Representative Leon Guerrero.

There was no discussion and the Speaker recognized the Clerk for the Calling of the Roll on the motion suspend Rule IX Section 4(d) to allow the House to amend the agenda by adding items on the agenda 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	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	yes
Speaker Joseph P. Deleon Guerrero	yes

Speaker Joseph P. Deleon Guerrero: Thank you, Clerk; with a vote of 20 voting and motion offered by the Floor Leader is hereby adopted. We now go back to Representative Yumul.

Representative Ralph N. Yumul: Thank you again Mr. Speaker. Now introducing H. B. No. 18-123: To amend Public Law 18-18 “To make appropriations for the operations and activities of the activities of the Government of the Commonwealth of the Northern Mariana Islands, its agencies, instrumentalities, and independent programs, and to provide budget authority for government corporations for Fiscal Year 2014”; and for other purposes.

H. B. NO. 18-123: To amend Public Law 18-18 “To make appropriations for the operations and activities of the activities of the Government of the Commonwealth of the Northern Mariana Islands, its agencies, instrumentalities, and independent programs, and to provide budget authority for government corporations for Fiscal Year 2014”; and for other purposes. Introduced by **REP. RALPH N. YUMUL** of Saipan, Precinct 3 (*for himself*) on September 23, 2013, referred to the Committee on Ways and Means.

Speaker Joseph P. Deleon Guerrero: The Chair now recognizes Representative Antonio Sablan.

Representative Antonio P. Sablan: Thank you Mr. Speaker. I would like to introduce H. B. No. 18-124: To amend Public Law No. 18-18 to correct the appropriation for operations for the Northern Marianas Retirement Fund and to amend Schedule A. And Mr. Speaker due to the urgency of the subject matter of the legislation and if there are no objections I would like to request that this bill be placed on the Bill Calendar for action. Thank you.

The Speaker recognized the Floor Leader for the motion to place H. B. No. 18-124 on the Bill Calendar for action of the House; the Floor Leader moved to suspend Rule VII, Section 9 to place H. B. No. 18-124 on the calendar for House Action; the motion was seconded by Representative Leon Guerrero; and there being no discussions made on the floor the motion was carried by voice vote.

H. B. NO. 18-124: To amend Public Law No. 18-18 to correct the appropriation for operations for the Northern Marianas Retirement Fund and to amend Schedule A. Introduced by **REP. ANTONIO P. SABLAM** of Saipan, Precinct 1 (*for himself*) on September 23, 2014 and was calendared.

Speaker Joseph P. Deleon Guerrero: Representative Sablan, you still hold the floor for the next bill.

Representative Antonio P. Sablan: Thank you Mr. Speaker. To officially introduce H. B. No. 18-124: To increase the salary level for the Secretary of the Department of Community and Cultural Affairs and the Secretary of Commerce.

H. B. NO. 18-125: To increase the salary level for the Secretary of the Department of Community and Cultural Affairs and the Secretary of Commerce. Introduced by **REP. ANTONIO P. SABLAM** of Saipan, Precinct 1 (*for himself*) on September 23, 2013, referred to the Committee on Ways and Means.

Speaker Joseph P. Deleon Guerrero: The Chair now recognizes Representative Leon Guerrero for the next bill to be introduced.

Representative Christopher D. Leon Guerrero: Thank you Mr. Speaker. Officially introducing H. B. No. 18-126: To establish a Loss Recovery Division within the Department of Public Works. The purpose of this bill is to give a statute of authority to the Department of Public Works to process claims with reference to any property damages for governments and repair. And I welcome any member who would like to cosponsor. Thank you Mr. Speaker

H. B. NO. 18-126: To establish a Loss Recovery Division within the Department of Public Works. Introduced by **REP. CHRISTOPHER D. LEON GUERRERO** of Saipan, Precinct 4 (*for himself*) on September 23, 2013, referred to the Committee on Judiciary and Governmental Operations.

Speaker Joseph P. Deleon Guerrero: Thank you Representative Leon Guerrero. H. B. No. 18-126 will be referred to the Committee on Judiciary and Governmental Operations. The Chair now recognizes Representative Yumul for the next bill.

Representative Ralph N. Yumul: Thank you Mr. Speaker. Introducing H. B. No. 18-127: To amend Public Law 18-18 “To make appropriations for the operations and activities of the Government of the Commonwealth of the Northern Mariana Islands, its agencies, instrumentalities, and independent programs, and to provide budget authority for government corporations for Fiscal Year 2014”; and for other purposes. Thank you.

H. B. NO. 18-127: To amend Public Law 18-18 “To make appropriations for the operations and activities of the Government of the Commonwealth of the Northern Mariana Islands, its agencies, instrumentalities, and independent programs, and to provide budget authority for government corporations for Fiscal Year 2014”; and for other purposes. Introduced by **REP. RALPH N. YUMUL** of Saipan, Precinct 3 (*for himself*) on September 23, 2013, referred to the Committee on Ways and Means.

Speaker Joseph P. Deleon Guerrero: Thank you Representative Yumul. H. B. No. 18-127 will be referred to the Committee on Ways and Means. The Chair now recognize Representative Leon Guerrero again for the new bill that was not prefiled prior to the 24 hours and that is why we had to amend the agenda.

Representative Christopher D. Leon Guerrero: Thank you Mr. Speaker. Officially introducing H. B. No. 18-128: To establish a Retiree Opt Out Fund or “ROOF” account to provide those who decided to opt out of the Settlement Agreement in Civil Case 09-00023, with \$272,425 in re-allocated funds from the Office of the Attorney General by amending Public Law 18-18, the Fiscal Year 2014 Budget Law. And I welcome others who would like to cosponsor. Thank you.

H. B. NO. 18-128: To establish a Retiree Opt Out Fund or “ROOF” account to provide those who decided to opt out of the Settlement Agreement in Civil Case 09-00023, with \$272,425 in re-allocated funds from the Office of the Attorney General by amending Public Law 18-18, the Fiscal Year 2014 Budget Law. Introduced by **REP. CHRISTOPHER D. LEON GUERRERO** of Saipan, Precinct 4 (*for himself*) on September 23, 2013, referred to the Committee on Ways and Means.

Speaker Joseph P. Deleon Guerrero: Thank you Chairman Leon Guerrero. H. B. No. 18-128 will be referred to the Committee on Ways and Means. Are there any further House Bills for introduction today? There being none, we move on to House Local Bills and the Chair recognizes the Floor Leader.

House Local Bills:

Floor Leader Rafael S. Demapan: Thank you Mr. Speaker. Officially introducing H. L. B. No. 18-29: To re-name Hagoi Road “Knight Street” in honor of Mount Carmel School’s Sixty-First Anniversary. Introduced by myself and Representative John Paul P. Sablan.

H. L. B. NO. 18-29: To re-name Hagoi Road “Knight Street” in honor of Mount Carmel School’s Sixty-First Anniversary. Introduced by **REP. RAFAEL S. DEMAPAN** of Saipan, Precinct 2 (*for himself*, Representative John Paul P. Sablan) on September 23, 2013

Speaker Joseph P. Deleon Guerrero: Thank you Floor Leader. For the next House Local Bill the Chair recognizes Representative John Paul Sablan.

Representative John Paul P. Sablan: Thank you Mr. Speaker. Officially introducing H. L. B. No. 18-30: To rename the newly merged “Haigus Lane” and “Niyok Drive” located in the village of Chalan Kanoa to the “Tun Ben Kappon Road” in honor of the Late Tun Ben Kappon and his contributions to Precinct 2 and for other purposes. Introduced by myself and Representative Rafael Demapan.

H. L. B. NO. 18-30: To rename the newly merged “Haigus Lane” and “Niyok Drive” located in the village of Chalan Kanoa to the “Tun Ben Kappon Road” in honor of the Late Tun Ben Kappon and his contributions to Precinct 2 and for other purposes. Introduced by **REP. JOHN PAUL P. SABLАН** of Saipan, Precinct 2 (*for himself*, Representative Rafael S. Demapan) on September 23, 2013.

Speaker Joseph P. Deleon Guerrero: Thank you Representative Sablan. The Chair now recognizes Representative Teresita Santos for the next House Local Bill.

Representative Teresita A. Santos: Thank you Mr. Speaker. I would like to introduce H. L. B. No. 18-31: To appropriate \$49,500.00 from local license fees collected for poker and pachinko slot machines in the First Senatorial District and for other purposes.

H. L. B. NO. 18-31: To appropriate \$49,500.00 from local license fees collected for poker and pachinko slot machines in the First Senatorial District and for other purposes. Introduced by **REP. TERESITA A. SANTOS** of Rota, Precinct 7 (*for herself*) on September 23, 2013.

Speaker Joseph P. Deleon Guerrero: Are there any other House Local Bill for introduction today? There being none, we move on to House Legislative Initiative and the Chair recognizes Representative John Paul Sablan.

House Legislative Initiatives:

Representative John Paul P. Sablan: Thank you Mr. Speaker. Officially introducing H. L. I. No. 18-10: To amend Article III, Section 20 of the Constitution of the Commonwealth of the Northern Mariana Islands to obligate Fifteen Percent (15%) of the total budget of the Commonwealth of the Northern Mariana Islands be remitted directly to the Northern Mariana Islands Retirement Fund; and for other purposes. Introduced by myself and I welcome any other member. Thank you.

H. L. I. NO. 18-10: To amend Article III, Section 20 of the Constitution of the Commonwealth of the Northern Mariana Islands to obligate Fifteen Percent (15%) of the total budget of the Commonwealth of the Northern Mariana Islands be remitted directly to the Northern Mariana Islands Retirement Fund; and for other purposes. Introduced by **REP. JOHN PAUL P. SABLАН** of Saipan, Precinct 2 (*for himself*) on September 23, 2013, referred to the Committee on Ways and Means and to the Special Committee on Retirement.

Speaker Joseph P. Deleon Guerrero: Thank you Representative Sablan. H. L. I. No. 18-10 will be referred to the Committee on Ways and Means and the Special Committee on Retirement. So it will be a dual committee. Are there any further House Legislative Initiatives? If there are none, we will move down to Introduction of Resolutions. The Chair recognizes Representative Maratita.

INTRODUCTION OF RESOLUTIONS

House Resolutions:

Representative Janet U. Maratita: Thank you Mr. Speaker. Before I introduce my resolution, I would like to say a few introduction before I introduce this.

There was no objections raised on the floor. Representative Maratita continued to be recognized.

Representative Janet U. Maratita: Thank you, Mr. Speaker and fellow colleagues at this moment I would like to alert all of you that today the introduction of this resolution urging the Governor and members of this legislature to follow the dictates of Article 3 Section 20 of the NMI Constitution relating to pension funds for Retirees. The resolution highlights what we seemed to have overlooked with the fate of Retirees flows out from the propose settlement agreement. Had both sides of the street paid attention to Article 3, Section 20, then the apparently frivolous lawsuits and excessively steep fees submitted by legal eagles would have been stop dead at the front door of the U.S. District Court. In the obvious confusion we seemed to have played along as told the answer was offered or that of the administration would have resolved the issue other than to sink it deeper into our more economic mess and more lawsuits. All it takes is for a single retiree to sue everybody for meddling with the constitutionally protected pension fund. If we decide to shred pertinent constitutional provisions, Mr. Speaker and fellow colleagues, because we have found them to be nuisance this could very well trigger a lawsuit and the historic impeachment of thirty public officials in the interim. To ignore pertinent constitutional mandate on pension funds is to openly promote dictatorial government over a government of laws, I still have confidence that this body and the Commonwealth is indeed a fact of government of laws. I understand the rationale behind the settlement agreement and the town hall meetings but neither approaches tranquilizes nor follows the mandate inherent under Article 3, Section 20 of the NMI Constitution perhaps there is a need to critically review such constitutional provision for subsequent disposition and my hats is to Representative John Paul Sablan for taking the initiative to introduce a House Legislative Initiative 18-10. But as we speak, Mr. Speaker and fellow colleagues Article 3, Section 9 and 20, is a constitutional law that all must follow. Article 10, Section 3, Article 17, Section 1, which we swore to uphold and defend the Constitution and the laws of the CNMI. Mr. Speaker and fellow colleagues we must uphold the Constitution of our Commonwealth, we must bring honor to our Commonwealth. Mr. Speaker, with that I urge all of you to please support House Resolution No. 18-35 and for the record Mr. Speaker, I want the people out there to know that I am not opposed to the withdrawals of their contribution nor for the reduction of the retiree's pension. Mr. Speaker, at this moment I would like to introduce House Resolution No. 18-35, To urge Governor Eloy S. Inos to reconsider and withdraw from the Settlement Agreement because pursuing Settlement Agreement terms that violate Article X, Section 3, and Article III, Sections 9 and 20 of the CNMI Constitution clearly constitutes the impeachable offense of "neglect of duty" under Article III, Section 19. Thank you Mr. Speaker.

H. RES. NO. 18-35: To urge Governor Eloy S. Inos to reconsider and withdraw from the Settlement Agreement because pursuing Settlement Agreement terms that violate Article X, Section 3, and Article III, Sections 9 and 20 of the CNMI Constitution clearly constitutes the impeachable offense of "neglect of duty" under Article III, Section 19. Introduced by **REP. JANET U. MARATITA** of Saipan, Precinct 1 (*for herself*, Representatives Roman C. Benavente, Lorenzo I. Deleon Guerrero, Ramon A. Tebuteb, and Ralph N. Yumul) on September 23, 2013, referred to the Special Committee on Retirement.

Speaker Joseph P. Deleon Guerrero: Thank you, Representative Maratita. I believe there is no debate under the introduction; so the Chair will refer H. Res. No. 18-35 to the Special Committee on Retirement; because it does warrant serious allegations contained in the resolution. And before the members can act on it to determine if in fact such allegations are true; I would like to have the committee review it thoroughly although expeditiously. So Chairman Taitano please take note we do ask that we can hopefully get a committee report out before the next session. Moving on, are there any further House Resolutions for introduction today? If there are none, under House Joint Resolution.

House Joint Resolutions:

Speaker Joseph P. Deleon Guerrero: The Chair will be introducing H. J. R. No. 18-10: To acknowledge and approve the Settlement Agreement in *Johnson v. Inos* as required for the final disbursement of employee contributions under Sections 12.0 and 34.0 of the Settlement Agreement. Introduced by myself and I welcome any other members to co-author.

H. J. R. No. 18-10: To acknowledge and approve the Settlement Agreement in *Johnson v. Inos* as required for the final disbursement of employee contributions under Sections 12.0 and 34.0 of the Settlement Agreement. Introduced by **REP. JOSEPH P. DELEON GUERRERO** of Saipan, Precinct 1 (*for himself*) on September 23, 2013; and was placed on the Resolution Calendar.

House Commemorative Resolutions: None

House Concurrent Resolutions: None

There being no further House Joint Resolutions; House Commemorative Resolutions and House Concurrent Resolutions for introductions; the Chair recognized moved to Item 6 and recognized the Clerk under Messages from the Governor.

MESSAGES FROM THE GOVERNOR

The Clerk announced the following Messages from the Governor:

GOV. COMM. 18-82: (9/18/13) **Executive Order 2013-20** – 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.

GOV. COMM. 18-83: (9/18/13) Informing the House that he signed into law H. B. 18-98, HD6, SS1, CCS1 (FY 2014 Budget Act). Became **Public Law 18-18**. [For info]

Speaker Joseph P. Deleon Guerrero: Are there any comments on Governor’s Communications? The Chair recognizes Representative Seman.

Representative Richard B. Seman: Thank you, Mr. Speaker. On Governor’s Communication 18-82, I guess this is an old problem with regards to CUC, I noticed every session we have this type of communication reappears. Is there more than just telling us what the problem and when is this going to be scaled down where the newly formed PUTC is in place to take over from. Just surprised that at the very beginning our session in January there was an issue about the former Governor continuing to press on this emergency but it just continues on, thank you Mr. Speaker.

GOV. COMM. 18-82: (9/18/13) **Executive Order 2013-20** – 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.

Speaker Joseph P. Deleon Guerrero: Thank you Representative Seman. Are there further comments? Let me just add on that actually the role of the Public Utilities Commission is more to review rates. In the Governor's Executive Order cites various crisis, including financial and technical worker and because there is no Board of Directors at this time the Governor does serve as the Board of Director for CUC. Under his Directive he strikes-out the provision of the hiring restriction of non-residents to allow for their continued employment and I think that is the biggest effect of this EO. I believe there is a sunset provision in the Code which requires that government agencies will no longer be able to hire non-resident workers after a certain date. But I think CUC at this time needs to have that extended until such time that they can get qualified US and Resident workers. And I see Mr. Fletcher here and perhaps later on as we get to the committee report where he said that he will be available to answer questions and if the members wish we can resolve into the Committee of the Whole and pose questions relevant to the EO to Mr. Fletcher. So we can move forward on our Order of Business. I want to ask again, are there any further comments under Messages from the Governor? There being none, ready. We move on.

At this time being that there are no communications under Items 7, 8, 9, 10, and 11, the Chair moved to Item 12, Reports of Standing Committees and recognized the Floor Leader.

SENATE COMMUNICATIONS

NONE

HOUSE COMMUNICATIONS

NONE

COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

NONE

MISCELLANEOUS COMMUNICATIONS

NONE

REPORTS OF STANDING COMMITTEES

At this time before the Chair recognized the Floor Leader for the first item under Item 12, the Chair directed that the House move to Item 16, Bill Calendar to take action on H.B. 18-124. There being no discussion the Chair recognized the Floor Leader.

BILL CALENDAR

Floor Leader Rafael S. Demapan: Thank you, Mr. Speaker. Before we act on any bill I move to suspend Rule IX, Section 8, 9, and 10, so move.

The motion was seconded and being no discussion on the floor the motion was carried by voice vote. The Chair recognized the Floor Leader.

Floor Leader Rafael S. Demapan: Thank you Mr. Speaker. For the Final passage of H. B. No. 18-124: To amend Public Law No. 18-18 to correct the appropriation for operations for the Northern Marianas Retirement Fund and to amend Schedule A.

H. B. No. 18-124: To amend Public Law No. 18-18 to correct the appropriation for operations for the Northern Marianas Retirement Fund and to amend Schedule A.

The motion was seconded

Speaker Joseph P. Deleon Guerrero: A motion has been offered for the passage of H. B. No. 18-124, HD1, discussion on the motion? Chairman of Ways and Means, recognized.

Representative Antonio P. Sablan: Thank you Mr. Speaker. Under discussion the intent of H. B. No. 18-124 is to basically correct the summary page under Public Law 18-18 to change the funding entry under the Northern Marianas Retirement Fund pension amount for retirees; and secondly it intends to amend Schedule A of the budget worksheet that was incorporated under Public Law 18-18; however at this time due to the issues raised with the second intent of the legislation if there is no objections I would like to offer a floor amendment to H. B. No. 18-124.

There was no objections made on the floor; Representative Antonio offered a floor amendment which reads:

I. Page 2, lines 13-14 is amended as follows:

Delete Subsection 1(b)

II. Page 1, in the title of the Bill delete the phrase “and to amend schedule A”.

The motion was seconded; there being no discussions the motion was carried by voice vote. The bill is now reads H. B. No. 18-124, HD1. There was no further discussion the Speaker called for the main question.

The Speaker recognized the Clerk for the Calling of the Roll on the motion to pass on First and Final Reading H.B. 18-124, HD1 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 Ogunmoro	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	yes
Speaker Joseph P. Deleon Guerrero	yes

With the result carried in the affirmative, H.B. 18-124, HD1, passed the House on First and Final Reading. At this point the House moved back to Item 12, Reports of Standing Committees; during discussion the Chair recognized Representative Antonio P. Sablan.

REPORTS OF STANDING COMMITTEES

Representative Antonio P. Sablan: Thank you Mr. Speaker. Due to the urgency of the legislation may we request for a short recess and have the clerk transmit the bill that we have just passed to the Senate.

Speaker Joseph P. Deleon Guerrero: Thank you for that Chairman Sablan. The Chair now calls for a short recess.

1-The House recessed at 2:50 p.m.

RECESS

The House reconvened at 3:24 p.m.

The House reconvened at 3:24 p.m. under Item 12, the Chair recognized the Floor Leader for the first item. Floor Leader Demapan moved for the adoption of S. C. R. NO. 18-49, reporting on H. B. NO. 18-41 recommending that the House file the legislation; it was seconded; the Chair opened the floor for discussion; the Chair recognized Representative Dela Cruz.

S. C. R. NO. 18-49: Reporting on H. B. NO. 18-41, entitled: “To require all commercial businesses within the Commonwealth of the Northern Mariana Islands to be connected to the Commonwealth Utilities Corporation (CUC) power grid; and for other purposes.” Your Committee on Public Utilities, Transportation, and Communications recommends that the House file **H. B. NO. 18-41**.

Representative Francisco S. Dela Cruz requested to resolved into the Committee of the Whole to invite Mr. Alan Fletcher pertaining to the S. C. R. NO. 18-49, being no objections; the Chair recognized the Floor Leader for the motion and was seconded; there being no discussion the motion was carried by voice vote; the House resolved in the Committee of the Whole.

The House dissolved into the Committee of the Whole at 3:25 p.m.

COMMITTEE OF THE WHOLE

The House reconvened at in plenary session at 3:53 p.m.

The House reconvened back to regular session and being no further discussion the Chair called for the voice vote for the adoption of S. C. R. NO. 18-49; there being a division on the floor the Chair recognized the clerk to call the roll as follows:

Representative Antonio R. Agulto	no
Representative Anthony T. Benavente	no
Representative Roman C. Benavente	no
Representative George N. Camacho	yes
Representative Trenton B. Conner	yes
Representative Francisco S. Dela Cruz	yes
Representative Rafael S. Demapan	no
Representative Lorenzo I. Deleon Guerrero	yes
Representative Christopher D. Leon Guerrero	no
Representative Janet Ulloa Maratita	yes
Representative Felicidad Taman Ogumoro	no
Representative Antonio P. Sablan	no
Representative John Paul P. Sablan	no

Representative Teresita A. Santos	no
Representative Richard B. Seman	no
Representative Mariano Taitano	no
Representative Ramon A. Tebuteb	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ralph N. Yumul	yes
Speaker Joseph P. Deleon Guerrero	no

With a result of 8 Yes and 12 No; the motion to adopt S. C. R. NO. 18-49 recommending that the House file did not carry in the affirmative; during this time the Chair called for a short recess.

2-The House recessed at 4:01 p.m.

RECESS

The House reconvened at 4:04 p.m.

The House reconvened back at 4:04 p.m.; the Chair announced that S. C. R. NO. 18-49 will be recommitted; there was no objection on the floor. The Chair recognized the Floor Leader for the next motion. Floor Leader Demapan moved for the adoption of S. C. R. NO. 18-49, reporting on H. B. NO. 18-71, HD1, recommending that the House pass the bill in the form of H. B. NO. 18-71, HD1, HS1; it was seconded; the Chair opened the floor for discussion and recognized Representative Conner for the first time.

S. C. R. NO. 18-50: Reporting on H. B. NO. 18-71, HD1, entitled: “To require all property owner(s), property manager(s), and lending institutions that hold abandoned vacant properties with the Commonwealth of the Northern Mariana Islands to be held accountable to secure and maintain abandoned, vacant, and foreclosed properties; and for other purposes.” *Your Committee on Natural Resources recommends that the House pass the bill in the form of H. B. NO. 18-71, HD1, HS1.*

Representative Trenton B. Conner: Thank you Mr. Speaker. This is referring to Section E., Cost Benefit under the committee report, I would like to ask the committee members regarding the property maintenance revolving fund account; has there been any estimates as to what this will lead to; meaning how much are they looking at to incur as far as putting liens or fines against the property owners; has that been factored in during the committee deliberations? Thank you.

The Chair recognized the Chairperson of the Committee on Natural Resources to respond to the question Representative Conner raised. In response, the Chairperson of NR requested to the Chair that the Vice Chairperson, Representative John Paul Sablan be recognized to respond to the question raised by Representative Conner.

Representative John Paul P. Sablan: Thank you Mr. Speaker. To our good colleague Conner we did not discuss more on what charges will be to the property owners being cited during committee deliberations.

The Chair further elaborated on the question raised, whether the committee would know how much revenue will be generated from the fines and penalties. Representative Conner responded, yes, whereby elaborated further the committee’s finding that enacting the legislation will be an additional cost to the CNMI Government placing additional responsibilities to the Commonwealth Zoning office. Furthermore, outweighing the cost and benefits for the legislation is a concern in some particular areas; for these reasons Representative Conner posed the question. The Chair responded as follows:

Speaker Joseph P. Deleon Guerrero: In all fairness the question is very difficult to answer as it is hard to determine how many violations will be; it is a prospective question and until such time the Zoning

office goes out and enforces the provisions of a bill that has not been become into law. But I think what is important regarding your concerns with regards of placing a burden on the agency; the creation of the revolving fund is intended to defray the cost of enforcing enforcement; therefore it is one of the reasons of the creation of the revolving account to generate and allow the resources to be used for enforcement purposes.

The Chair recognizes further Representative Conner.

Representative Trenton B. Conner: Without objections I would like to refer the members on page 19 of the bill, line 4, which is the area that I am particularly concerned about which states: "That the Commonwealth reserves the right to proceed with an action to hold the owner of the property personally liable for the cost of correcting the offending condition, to proceed against the property in rem, or/and to place the lien on the property or on other property of the owner." So if the particular provision is putting a lien on the property my concerns are the sickly, the elderly, ones having a hard time paying their utilities; if their properties put on as a lien for the cost then I need to know in the committee report as to what are they looking at as far as a benefit for the cost; what revenue are they going to generate. Whether the benefits outweigh the cost; or does the cost outweigh the benefits? These are concerns that I have. Thank you.

The Chair recognizes the Vice Speaker.

Representative Francisco S. Dela Cruz: For clarification purposes, the Zoning Administrator of the Zoning Board is noted on several of the provisions in the bill, while I see this as a House Bill, which when it becomes a public law it would be a public law to all senatorial districts. Are we then implying that this legislation does become public law then it would be administrated by the Zoning Board and if yes, which Zoning Board are we talking about here? I only know of one Zoning Board and that is the Saipan Zoning Board. I have not heard an established Zoning Board in Rota and Tinian. But the provisions clearly states the Administrator of the Zoning Board will ensure that the provisions are followed through and it is regulated by a Zoning Board. So maybe the legal counsel can enlighten us.

The Chair recognized the legal counsel.

John F. Cool, Legal Counsel: I have not reviewed the bill from that aspect but I was looking for a definition section to see if there was one, otherwise it appears that the Administrator will be the administrator of the current Zoning Board. It reads: "the Administrator authorized by 2 CMC §7222."

Speaker Joseph P. Deleon Guerrero: Members, that is an issue. On page 3, lines 12 and 13, applicability, it is clear that the intent that this bill will apply to improved and unimproved lots of land located within the Commonwealth. And it is making applicable to all three senatorial districts absent a Zoning office in the First and Second Senatorial District; we may have an issue of enforcement. The Saipan Zoning office is intended to enforce zoning issues in the Third Senatorial District and if this legislation intends to apply it to the Third Senatorial District it should not be a problem; but because it makes it applicable to both the First and Second Senatorial District as well I think there will be a problem.

The Chair recognized Representative Roman C. Benavente.

Representative Roman C. Benavente: With all this unclear circumstances in the legislation I think I would like to recommend that we refer it back to committee for further amendment. Thank you.

The Chair recognized Representative John Paul P. Sablan.

Representative John Paul P. Sablan: Just for clarity to the legal Counsel, I am alluding to the Speaker's comments on page 3 the word "Commonwealth"; in effect if the zoning is recognized in the Commonwealth is Saipan then using the word "Commonwealth" would be – what I am trying to say is that if the First and Second Senatorial District does not have a zoning and the only recognized zoning Board is in the Third Senatorial District; can this legislation stand?

John F. Cool, Legal Counsel: It may be appropriate to revisit that and make sure that we do have everything covered. Looking at the statute relating to the zoning administrator it does not appear to be limited to any particular senatorial district. I also want to review and see if any of the other senatorial districts has established any zoning functions.

Speaker Joseph P. Deleon Guerrero: There are several ways to fix which is to refer it back to committee so that the committee can look at the entire legislation and perhaps instead of Commonwealth-wide to make it applicable to the Third Senatorial District or make it applicable to the Third Senatorial District until such time zoning offices are established on the First and Second Senatorial Districts, that way in the future if Rota and Tinian decides to establish their zoning offices then this law would apply to them automatically.

The Chair recognized Representative Christopher D. Leon Guerrero.

Representative Christopher D. Leon Guerrero: I am looking at the committee report and I think if we are anticipating having more review on the committee report I think we should consider the promulgation of rules and regulation for different types of enforcement to effectuate the bill because there is so much in the committee report that indicates the type of enforcement. So we when a guideline on the regulation in order to effectuate the enforcement on each violations. Thank you.

The Chair recognized Representative Anthony T. Benavente.

Representative Anthony T. Benavente: Also suggested by one of the author I think it is also best if we refer it back to committee so we can discuss the issue and correct the measure.

There being no objections on the floor the Chair recognized the Floor Leader to withdraw the motion to adopt; there being no objections on the floor to withdraw it was carried by voice vote; the Chair then recommit S. C. R. NO. 18-49, reporting on H. B. NO. 18-71, HD1 back to the Committee on Natural Resources.

The Chair recognized the Floor Leader for the next motion. Floor Leader Demapan moved for the adoption of S. C. R. NO. 18-51, reporting on H. B. NO. 18-99, recommending that the House pass the bill in the form of H. B. NO. 18-99, HD1; it was seconded; the Chair opened the floor for discussion and recognized Representative Agulto for the first time.

S. C. R. NO. 18-51: Reporting on H. B. NO. 18-99, entitled: "To amend certain sections of Public Law 6-37, "The Commonwealth Litter Control Act of 1989", codified as amended at 2 CMC §§ 3411-3416; and for other purposes." Your Committee on Natural Resources recommends that the House pass the bill in the form of **H. B. NO. 18-99, HD1**.

Representative Antonio R. Agulto: Presently my colleague Representative Lorenzo Deleon Guerrero and myself, cleaned up Kagman illegal dumping. I was assuming that the fee will move up to \$250.00. The reasons for putting this out is that we want to send out a message to the community that we are very much concerned about the illegal dumping in the Commonwealth. *Mr. Speaker, ti muna'nayan trabiha i chechu-mami gi tati gi Precinct 5 illegal dumping; guagua'ha kana guaha bienti-singko na load truck para bai en na gas'gas. Koblerville ginen munayan esta ma alekla mana gasgas si'sigi ha ma dump i illegal dumping.* Mr. Speaker, guaha dump ma designate ni poru fan hanao i taotao'ta po mayuti guatu i basulan'ña yangin ti'siña mayuti i basulan'ña u ma fan aggang ayudu. Recently ha Mr. Speaker Koblerville mana'gasgas man'ma yuti ha talu i basula – hafa hit i ma'tata ni man masfatu magi i federat ni ma na'na'i hit salape ni eyi para ta alekla eyi katan i land field. En rikohi i basula gi tati Kagman kulan bulaña esta gi eyi katan i land field na'mamalao. Ya hu assume ya ola mohon i komite yo man gai konsiderasion ni esti na problema gine' gi tano'ta. Mr. Speaker man ma ga'ga'gao hit ayudu ginen i kuminidat despues ta fa'faisen ayo siha na regulatory agency na maila ya chogui i chechuñiha. Mr. Speaker yangin ti siña ma chogui chechuña pues yo ma resign siha – esti gui i rason na hu haksa esti i fee. Recently ha man ma'na huyong gi newspaper na litter and you will be ticket, Mr. Speaker yangin ta pass esti na bill malingo talu i litratu gi newspaper ya ma'ma disitendi hit. Eyi giya Kagman en nagasgas Mr. Speaker salapi ta na sietbi; mayuti ha talu siempre i basula; buenti hami yan si Congressman Guerrrero bien hanao guato yan bien guadiha; sino Precinct 1 pao fan hanao ya ma guadiha Koblerville ni i illegal dumping. Bula ma li'li i tourista; famaguonta ni man ma'lo'lofan gi ayo siha na lugat ni man gaigi i basula ma polu gi i hinasoñiha na siempe tana ma fa dump; enao gui i rason na malagu yo para bai haksa esti i fee.

Speaker Joseph P. Deleon Guerrero: Not to cut you off but we are under the Committee Report and I think that some of the concerns you raised with regards to the amendments are in the bill in amended form; we hear your passionate plea to the members to support it; and report states for passage in an amended form; if you want to go into the details of the amendments perhaps we can table further discussions on the bill until we get on to the Bill Calendar; but we certainly understand and appreciate the concerns you have raised, Representative Agulto.

Representative Antonio R. Agulto yielded the floor. The Chair recognized the Vice Speaker.

Representative Francisco S. Dela Cruz: Thank you Mr. Speaker. *Guaha un question para i Chair sa ha endika gi tituhon na mahaksa hulu i fine and penalty no; lao hu a'atan i lehislasion gini ni ma amenda I believe ni i komite na ma decrease i minimum fine – para bai hu check ha ko dinanchi ha esti i signun kinenpredeña i author. Pues Mr. Speaker tana klaru esti sa ilekñia i author na kumolu i fee; lao esti u tataitai tumutunok; ko manu i dos dinanchi?*

The Chair recognized the Chairman of the Committee on Natural Resources.

Representative Anthony T. Benavente: *I question as to hafa na tumonok i fee – it was highly recommended ginen i DEQ esti na request ginen iyoña report for reason na mamos steep ya kada ma allow i enforcement para po fan huyong kulan mamos nu man'lu'lu han it is kind of hard for them to pretty much issue the citation to what \$250 to certain litter; guaha na litter just a small portion gumupo gi pick up pat hafa on his way to the dump that it considered littering so maybe something simple; and I did address the committee and I addressed the author that it is highly recommended from the DEQ to drop it down to \$50 then maybe it will be easier for them to initiate the litter control fines; from then on I had mentioned this to the author and he agreed just as long as we can proceed with the bill. Thank you.*

The Chair recognized the Vice Speaker.

Representative Francisco S. Dela Cruz: *Hu ekkongok i author earlier ha mention huyong na ti siña ma chogui i chechoña dibi di fan huyong. Hu ekkongok ha lokue na yan hu hasso na i otimo na Lehislatura i Disisieti guaha lokue legislation parehu ha todū yan esti. Yan i issue gui para pao ma reduce i anti-littering fee. Ya anai duru i ribatti guaha mamaisen ilekñā yangin un reduce ko ayo gui siempre ti man ma'ma'lao i littering inspectors yan enforcement agencies para u fan ma chogui i chechoña – sa parehu ha na rason ni hafa ilekñā i Chairman guini – ni i man malagu ha i anti-littering enforcement para po fan cite esti siha ni man yuyu'ti basula ni ti dibi'di ma yuti lao man ma'ma'lao sa sen guaguan i penalty – pues yangin ta reduce esti nai i question guini pago ko ti man ma'malao? Ko ti fan man ma'malao man ma cite sa \$50 ha pago; ta na bienti sinko ha – sa sigi ha kassi mas ti man ma'malao; yan esti gui siempre siña ha ma cite esti siha; hunggan bula ta lili'e gi tano'ta; ma li'li'e gi halom tangantangan or boksu pa'pa na ma chudahi ha pa'pa; mayuti ha pa'pa 14 cubic feet na refrigerator yan stove yan freezer yan taiya; yan malagu yo para bai hu faisen i author ko esti gui i kumonprendiña pago ni para pao ma haksa hulu i penalty yan instead i kumote ha drop pa'pa i penalty ko esti gui malagoña i author ni para ma pass esti yagin esti ha ni ha na siña i enforcement para pao fan ma cite esti siha i illegal dumping nai pues ai adai hafa para ta chogui yangin esti ha ta na siña para pao fan cite i sikuenta pesos. Enao ha Mr. Speaker.*

The Chair recognized Representative Roman Benavente.

Representative Roman C. Benavente: *Si yu'us ma'ase Mr. Speaker. Magahit na kulan emotional si Representative Agulto lao dinanchi ha lokkue i taotao. I puntu guini hungan ta atan i amount i dinangkulu i fees i pena; kuanto para po ma penadisa i prohimu kumo man ma'gacha man ma'yuti i basula. Guahu uno hu witness esti gi mapos na mes gi luchan gi Koblerville eyi i lechan Totot Ville eyi run-way – si Steve Nutting mana apply gi zoning para po usa i lugat para po mana tunnok i bakunairen-ñiha; ha gasta i taotao \$4,000 para u nagas'gas, tudo'do i runway ha na gas'gas; anai munayan si Steve Nutting ha usa i runway tres dias malofan kuntodu ice-box, stove, yan tire taiguhi fino'mu man gaigi esta. Esti gui na klasen behavior gi halom iyota na kustombri gi halom kustombreta nai. Hungan bula siha ti sina ma afford para u ma apasi i transfer station yangin hu manao ma yuti lao dalai magahet yangin ti ma ina'estoba; sa guahu nai ha gef estotba nai sa i tao'tao'hu u na fan huhuyong man ma yabao ki kantun chalan pues ni munayan man yabao ma rekohi todū i basula; man matto gi next round megaiña talu basula gi ayo finenina. Eyi gui na ilek'hu na guaha valid lao ti mapo ha guini nai Mr. Speaker; i punto guini ti hu argue ti hu challenge lao i enforcement debi ni hita nai na Lehislatura ti para ta fan ma tachung ha guini na para ta sangan na para ta fa chalek esti na issue sa ti chalek esti na issue. This is a CNMI issue i basula. Ya inisisita para ta espiha en peñu...*

The Floor Leader reminder the members of the five minute rule on holding the floor. The Chair recognized Representative Seman.

Representative Richard B. Seman: When the committee was discussing this particular proposal – we seek the agencies input on the bill as that they will be the ones taking on the responsibilities when the legislation becomes law. We look into their recommendation and assess the situations; and in trying to weigh things out we come to the conclusion let us give this a shot by improving the enforcement provision of the legislation by adding other agencies. The BECQ cannot do it alone. So we stand to include other agencies that are more than happy to participate in the enforcement under this proposal.

On the fee structure on the bill, yes, it was reduced. It is something that we take into account; and again it is not an excuse *yangin un hasso na yangin mauleg i suetdo 'mu libuanu ha yangin un hire trash collection agency; pagu ayo siha na man gef namasi ni i truck ni ha'fa'fa ha nu esao lokkue i government sa ti ma pega transfer station gi appropriate area throughout the islands.* So there is only one transfer station which is located at the Lower Base which is closer to the land field. But the point is that we need to address the issue, which is littering and is the highlight in the committee report. As a committee we come in with the intention that – that this littering needs to be address and we agree with the author and we had added in some minor changes which we felt that based on the input of the other agencies to be appropriate at this point in time; and we escalate the penalties if you become a repeated offender. But none the less we need to pass a legislation that will address it.

The Chair recognized Representative Leon Guerrero.

Representative Christopher D. Leon Guerrero: For clarification to the legal counsel; on page 2, it is definitely a decrease on the fines from \$250 down to \$50. It appears that the reason why they put a minimum rate because it all depends on what time of littering as there are numerous types of littering right now; like for instance intentionally throwing litter out of a moving vehicle; that is currently enforced by the DPS where they issue a citation. I do not think a regulatory enforcement enforce a moving vehicle. So what DEQ is going to enforce when it comes to the \$50 fine whether walking by or throwing a piece of trash; my question is to effectuate that enforcement what the current bill states now; does it specifically state whether littering on a private property or government property? We need to specify and the way it states on the committee report that a task force be created with 50% being allocated to the litter control fund account; what will happen to the 50% divided among this; because the court will need to get a share from it because in the event that the citation is challenged; they have a process that they need to deal with and I am just clarifying the committee report. My concern right now is that in the event that this law is challenged whether littering in a private property or government property. It looks like it implies that regulations promulgated by the task force to categorize the type of littering. I do not know if there is a promulgation of rules and regulations establishing guidelines of the type and amount of littering that will be effectuated into the regulatory and or DPS enforcement. I think guidelines are missing in the bill for the regulatory and so forth. Thank you.

The Chair recognized Representative Santos.

Representative Teresita A. Santos: *Parehu ha yan esti siha lokkue pumalu siha representanti – guahu lokkue yahu i entension'ña esti gui na akto. Lao guaha lokkue siha kueschon'hu yahu na maseha hayi guinen esti na kumite yangin sina ha oppi yu tati mauleg. Fine'nina esti pahina gi kuattrau ile'lekña na parehu ha yan ayo ile'lekña si Represenative Leon Guerrero na guaha singuenta pot siento para hu administradot i direktot DEQ yahu na bi hu faisen i kumitte nu hafa yangin tumaigui i direktot sa ile'lekña guini na expenditure authority para i direktot ha; pues yahu na ma oppi hafa yangin tumaigui i direktot ya guaha ha nisisidat anai para ma kulamten esti gui na programa pat anai uma administer esti na programa. Esti gui na aktu kulan pumare'rehu yan esti i House Bill 18-71. Hu kumprendi na esti gui na aktu ha embra'brasa todudu esti i Noti Marianas; esti i pahina kuattrau ilek'lekña na it would create a litter control advisory board to oversee the management and operations of the litter control program and members shall be comprised of DEQ, DPS, CRM, DLNR, DOC, Saipan Mayor's office, DPH, and MVA, lao ti mahalom i Mayot Luta ni pot lutanti ofisinan Mayot Tinian. Gi mismo tiempo lokkue yahu lokkue i kumitte na muna kuaru esti*

gui hafa nai taimanu para ma ayekña esti i board sa the fact na ti malom i ofisina Mayot Luta yan Tinian yahu para bai hu ketunko hafa taimanu esti gui para ma apuntaña enao ha.

The Chair recognize Representative Agulto to respond to Representative Santos' questions.

Representative Antonio R. Agulto: *Ayo i advisory board guaha rekomendasion guatto gi gotbietno. Pues i gotbietno ha aponta gineng todo mano ni man gaigui esti siha na agency i ti man efe'fekta na dipatamento agency.*

The Chair recognized the Vice Speaker.

Representative Francisco S. Dela Cruz: *Puedi ha esti gui otimu na biahi na kuentosu lao para bai hu faisen kassi i author yan kintodu i kumette; asa'kasu na Public Law esti na lehislation ya let us say na mayuti i taotao basulan niha ya magacha na man yu'yuti basula; ko siña mahon na ribatdi eyoña citation? Yan antes un oppi enao nanga ya bai hu taitai uno na sentence gi page 3, line 2: (1) decreasing the minimum fine for littering and giving the court the discretion to impose community service in addition to or in lieu of monetary fines. Esti gui nai kumule'lekña esti na i kotti para hu dinisidi ko pot un fa man appasi pat ti para un fan ma appasi; siña ilek'ña i kotti okay esti gui para i tokao'mu ha na gas'gas esti i kemun'mami guini halom ya esta makpo esti. Pues kumu'le'lekña esti nai na taya fine. Anai ilek'ña i west na okay ti un nisisari'u na una appasi singuenta ayo gui guatto anai tuyung hao gi peta mina kuattro papa i kemon; enao gui un na gas'gas sa esta makpo esti na sentansha. Pues esti gui ilekta nai na not only are we trying to reduce the enforcement citation fines but we are practically giving it away. Esti gui na gaigui gi lehislation; esti gui kluru; pues esta ayo i dos sientos sinkuenta nai tumaya; ya esti gui nai na rason gi Disisieti na Lehislatura na en pino esti sa instead of para na guaha nifin gi huyong ni ayo man yu'yuti basula gi ti appropriadotña para ta na'i lugat ni poru dipadi. Pues inisistit members ta hasso talu esti antes un fan man ma'tinas disision sa or kosiña ma send talu tatti gi kommitte ya ma attan di nuebu.*

The Chair recognized Representative Seman to respond.

Representative Richard B. Seman: As a member of the committee our rational is that not everybody is employed, therefore not everybody can pay. And that is very common throughout any regulatory agency where fees and penalties are imposed. A community service derives from such situation where a person is unable to pay due to disabilities or unemployment, so it is justified. It is done through federal court, local courts and just about every agency that I can think of as well as Fish and Wildlife. But it does not have to be two hours a day, it could be a whole month that a person has to go around and start cleaning areas where there are illegal dumpsite that has occurred. So there are rationales in lieu of the \$50 fee. Also with regards to what was mentioned earlier that if they do not want to assess the fees then fire them. It is easy to say that but it is kind of difficult because when we look at agencies such as DEQ, Fish and Wildlife, CRM to be empowered with the authority to enforce this type of littering act; we are talking about people that are existing in their professional jobs or whatever their specialty skill that they possess at their respective agency. Now this same people are going to be tasked to provide some enforcement on this littering act; so it is almost like multitasking. And if they are ashamed ayo para u fee i taotao \$200 sa gef popli yan kulan ena ma'mahlao guaha na biahi na matkat ma fire eyo at the same time that is part of his second role; his primary could be a certified diver, a scientifically trained to assess underwater corals; gua'guaha

didi 'di minapot para ta na suha sa pot ti mulago man fee lao kumule 'lekña ko siña un bring ha papa i \$50 nei ayo gui le'lekhu we are fine tuning it we need to get this off the ground.

Speaker Joseph P. Deleon Guerrero: This is to touch on the issue that the Vice Speaker raised about allowing for community service may actually be a stronger deterrent in some cases than monetary fines; I think it can be appropriate. We have seen it in other jurisdictions where for littering the penalty is you shall walk on the side of the road wearing an orange jersey and pick up trash. *Hu tung'ha na i taotao'ta gi kustumbreta gotta; man ma appasi \$200 or \$50 ya hu susu 'ha ki'ni para hu ma li'e gi kunton chalan man o'oka basula; sa* as far as deterrent factor or value it may have a more significant deterrence than just the pure monetary fine where nobody will know that you were the one who littered. And of course it does say it can be in addition to a monetary penalty; so I guess the judge will have that discretion.

The Chair recognized Representative Agulto.

Representative Antonio R. Agulto: For the last time. *Para bai hu sanggan na enforcement ta inisisita guini gi kominidata.*

The Chair recognized Representative Antonio P. Sablan.

Representative Antonio P. Sablan: *Ta ekkongok todū esti siha na rason regarding esti na akto yan kulan hu ripara na ayo nai na mana guaha esti pot man ma'maloa i para ma charge ni para u fan machogui i checho niha yan eyomu comment siña ha man mamalao i ma fine nei kulan mamalao i para hu chogui i chechoña yan mamalao lokkue i magacha sa siempre mana famokat gi kantun chalan; ti tungo hafa i solution lao I am ready to vote on the report and address the issue when we get to the Bill Calendar.*

There being no further discussion on S. C. R. NO. 18-51, reporting on H. B. NO. 18-99 the Chair moved for the vote which carried in the affirmative with one nay vote. There being no further items for House action under Standing Committee Reports; the Chair moved to Item 15, Resolution Calendar.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

RESOLUTION CALENDAR

The Chair recognized the Floor Leader. The Floor Leader moved for the adoption of H. J. R. 18-10; the motion was then seconded by Representative Leon Guerrero; the Chair opened the floor under discussion and recognized Representative Teresita A. Santos.

H. J. R. 18-10: To acknowledge and approve the Settlement Agreement in *Johnson v. Inos* as required for the final disbursement of employee contributions under Sections 12.0 and 34.0 of the Settlement Agreement.

Representative Teresita A. Santos: I understand that the Legislature never did partake in the negotiation of the settlement agreement; however I understand that the Legislature was instrumental in the passage of Public Law 17-82 and Public Law 18-2; which laws will allow DB employees to withdraw their contributions. And in order for those affected employees to be given their remaining balance of their contributions it is incumbent upon the Legislature to approve the settlement agreement and given that I think it would be the best interest of the Legislature to support H.J.R. 18-10 which is now before us. Thank you.

The Chair recognized Representative Janet U. Maratita.

Representative Janet U. Maratita: While I do understand the rationale behind the settlement agreement in particular on page 3, from line 1 through line 6 of the legislation; although I do honor the provisions in the legislation I just want to for the record to state that neither of this – again we should follow the mandate inherent under Article 3, Section 20 of the NMI Constitution; again Mr. Speaker I appeal to this body to support and defend our Constitution. Thank you.

The Chair recognized Representative Mariano Taitano.

Representative Mariano Taitano: At this time I would like to offer a floor amendment on the legislation. The amendment specifically on page 1, lines 10-11; which the word “sound” be replaced with “by its failure to remit past due employer contributions to the fund” shall in essence I am offering that we take out on line 11 “Fund’s failure to collect past due employer contributions from the Government” and replace it by “its failure to remit past due employer contributions to the fund”. So offered.

The motion to amend was seconded; the Chair recognized the Legal Counsel.

Legal Counsel John F. Cool: *The actual floor amendment says that after the word “sound” the following language will be added. If we remove the word “sound” there is nothing for this additional language to modify. So the floor amendment as written is correct.*

The Chair acknowledged that the floor amendment offered is consistent as what was stated by the Legal Counsel. There being no further discussions on the floor amendment the motion was carried in the affirmative by voice vote. There was no nay vote.

The Chair recognized Representative Ramon A. Tebuteb.

Representative Ramon A. Tebuteb: The title is very specific to acknowledge and approve the settlement agreement in the *Johnson v. Inos* lawsuit as commonly known as the settlement agreement. Basically the process that has transpired on this settlement agreement is very specific in the first page on how this came about to reach where we are from the *Roe*’s cases up to *June 24 and June 26, 2013* where the parties of this settlement agreement engaged in negotiations; and then as a result we have a settlement agreement in front of us. Subsequently in August of this year the District Court preliminarily approved this settlement. And the legislation in front of us and look onto page 3 line 7 and line 13 are basically the resolving clauses. And the resolving clause respectfully on behalf of the Legislature and the people of the Commonwealth that we approve this because there are two sections in this settlement agreement that this legislative body needs to approve and agree to; and that is Section 12.0 and Section 34. Section 12.0 is basically stating the facts about Public Law 17-82 and Public Law 18-2, this is the early withdrawal of \$10 Million; that is the resolving clause we want to make sure that that goes through by adopting legislation, number one. Number two, is that you have this legislation on this body to approve the authority in that settlement agreement Section 34. Basically on Section 34, is sort of a hereto for and let me read that out for records purposes: that the persons signing this agreement (that is the settlement agreement) on behalf of the CNMI warrants and represents that he or she is authorized to sign on CNMI’s behalf. No more than \$10 Million shall be paid under paragraph 12.0 Public Law 17-82 and Public Law 18-2; that is the \$10 Million early withdrawal DB plan 12.0 above until the Legislature takes legislative action approving CNMI’s minimum annual payment obligation under this agreement. Under the agreement on annual obligation – this is the ten year I forgot exactly the number or the section but basically that this legislature needs to provide for a ten year annual appropriation and that is in section 34. But first let me state that absent any constitutional declaration or unconstitutional declaration of

Public Law 17-82 and Public Law 18-2 I caution the members; is Public Law 17-82 unconstitutional or is Public Law 18-2 unconstitutional? I say no because that is a Public Law; there is nothing as far as I know that I recall of any court that has declared Public Law 17-82 and Public Law 18-2 unconstitutional. So it is there – for an appropriation of whatever amount and in this settlement it say \$10 Million to pay out. I guess simply approving an open-ended settlement agreement is a policy call that each member has to think hard about. On the settlement agreement by way of this joint resolution I again just caution members; it is a policy call; it is your call; it is no secret where my position is on this settlement agreement. I would like to pose question but I would rather that you think hard about it. Thank you.

The Chair recognized Representative Trenton B. Conner.

Representative Trenton B. Conner: This is in reference to colleague Tebuteb's comment; it is going to be posed to the legal counsel; has there been any court ruling regarding Public Law 17-82 and Public Law 18-2 that it is unconstitutional?

Legal Counsel John F. Cool: No. *The only question that was raised was the failure to provide an actuarial report in junction with the legislation; and that is in the respect of benefit increases; those bills in my opinion did not provide a benefit increase.*

Speaker Joseph P. Deleon Guerrero: The concerns that Representative Tebuteb raised which there are two of them; one, that it is in fact in the settlement agreement that without an approval of the settlement agreement by the legislature the disbursements of the active members withdrawal would not proceed; that is true and correct – because it is in there. The second is the issue about the payment schedule by the Commonwealth government to the Fund; again, that is correct it is in there; there is a payment schedule every year; but I just want to add further that that is the guarantee of the CNMI government that the Fund would not collapse; that is one of the benefits of a beneficiary in this case a retiree. The benefit of not opting out is that the government will guarantee payments to the Fund and ensure that you will continue to be paid; albeit you get a 75% of your pension but the CNMI government is guaranteeing that they will continue to pay into the Fund and that the Fund will continue to pay you as a retiree every year beyond to March or September 2014. I believe the reason that the Legislature is required to endorse, adopt, or approve of this settlement fund is because the Administration themselves cannot make that guarantee absent the legislative appropriation; and that is why it is in there. It mandates that we will uphold the CNMI government as a whole (all branches) its obligation to the retirees and that is an important responsibility that Representative Tebuteb wanted to remind the members.

The Chair recognized Representative Janet U. Maratita.

Representative Janet U. Maratita: I would like to pose a question to the legal counsel. Would this House Joint Resolution 18-10; what force and effect does it have towards the settlement agreement?

Legal Counsel John F. Cool: *It actually has no force and effect on the settlement agreement it is only put there as a condition to making the additional payments to the Defined Benefit members who have elected to terminate their membership. If this resolution is not approve the settlement agreement subject to approval any way.*

Representative Janet U. Maratita: During the settlement agreement there is a legislative action require; is this the legislative action required to a joint house resolution?

Legal Counsel John F. Cool: Yes.

There being no further discussions the Speaker recognized the Clerk to call the roll on the adoption of H.J.R. 18-10, HD1 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	no
Representative Christopher D. Leon Guerrero	yes
Representative Janet Ulloa Maratita	no
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	no
Representative Mariano Taitano	yes
Representative Ramon A. Tebuteb	no
Representative Edmund Joseph S. Villagomez	yes
Representative Ralph N. Yumul	no
Speaker Joseph P. Deleon Guerrero	yes

With a result of 15 Yes and 5 No; the motion to adopt H.J.R. 18-10, HD1 carried by the majority votes of the members; during this time the Chair moved to Item 16 Bill Calendar and recognized the Floor Leader.

BILL CALENDAR

The Floor Leader moved for the passage on First and Final Reading H.B. No. 18-99, HD1 To amend certain sections of Public Law 6-37, The Commonwealth Litter Control Act of 1989, codified as amended at 2 CMC §§ 3411-3416; and for other purposes. The motion was seconded and the Chair recognized Representative Christopher D. Leon Guerrero under discussion.

H.B. No. 18-99, HD1 To amend certain sections of Public Law 6-37, The Commonwealth Litter Control Act of 1989, codified as amended at 2 CMC §§ 3411-3416; and for other purposes.

Representative Christopher D. Leon Guerrero: The bill has good intentions and the subject here is the overall deterrence. We all speak of the existing law has a very high value of enforceable fees and then we are bringing it down to a lower amount hopefully we can divert it to other types of community work. Probably if I was a violator of the current law and having no other subsequent violations I will probably continue to be picked up for littering. Yes, we want to deter but deterrence is not the main problem has I have experienced it; it is the enforcements ineffectiveness. So with the bill right now at \$250 for every enforcement that you conduct out there conducting a sting-operation to catch them in the act; if you catch five people and you cite them \$250 they are going to think twice to come back again. But doing multiple type of deterrence it is the enforcement that really needs to effectuate; and it is very low right now; and I do not think that by raising or dropping the fines will deter them; because either you do it at peak hours where they cannot be seen like in an isolated area. I have major reservations on the language of the bill whereas multiple enforcement agencies that are involved and the type of enforcement that they are conducting and so forth. I ask why keep amending to raise or drop where we have an effective enforcement? Thank you.

The Chair recognized Representative Trenton B. Conner.

Representative Trenton B. Conner: This is addressed to the Legal Counsel. On page 4, line 7 to line 10 subsection (c) Litter which reads in part: or any other disposal item of whatsoever nature...; I just want to clarify whether cigarette butts were included in this?

Legal Counsel John F. Cool: Yes, it will be included in the all other and also tobacco waste.

Representative Trenton B. Conner: On page 6 line 8 subsection (6) which reads in part: Facilitate the design and placement of...containers or receptacles bearing the Commonwealth anti-litter symbol to be placed along the public roads, highways, parks, beaches, and other public places of the Commonwealth,...; is this already in place to be activated once this bill becomes law?

Speaker Joseph P. Deleon Guerrero: Just in plain reading, yes. Part of this bill is fostering that litter containers or receptacles which would bear the design...or I am not sure what will facilitate the design and placement of; I think it means where and how those receptacles are to be placed. Yes, it is in the provision of the bill.

Representative Trenton B. Conner: I understand; but would this be readily available once this becomes law that it is going to be facilitated as a program; because as a representative from the Second Senatorial District I do not know of any containers that are available to be placed out in the public if this was to become law. Thank you.

Speaker Joseph P. Deleon Guerrero: I think the intention is good and I believe funding would be an issue but if given funding either through the revenues that are derived from the penalties or fines that those receptacles would be of course funded and be made available to all of our Senatorial Districts. If members from the committee could clarify or correct me if I am wrong.

The Chair recognized the legal counsel.

Legal Counsel John F. Cool: In the past I do not know if it currently being done but the Commonwealth Utilities Corporation had been providing the barrels that can be used as trash receptacles in various places. It is surplus of oil barrels and they needed to get rid of them anyway; so they were just donating them to the government for the litter-control purposes.

The Chair recognized Representative Anthony T. Benavente.

Representative Anthony T. Benavente: This is similar in terms what the legal counsel mentioned. Back then CRM, DEQ, and other agencies were providing containers to various park areas where it says "Please do not litter subject to Public Law 6-37". So from there on a lot more have been provided like to schools; and it shows that they were addressing the litter-control act.

The Chair recognized Representative Trenton B. Conner.

Representative Trenton B. Conner: I would like to ask a subsequent question. In the event that those containers are not available and patrons of the parks or beaches or wherever they are at and if they were to leave their trash behind and there is no container available would they be fine then absent the container? They would have to take their trash then?

Legal Counsel John F. Cool: Right.

The Chair recognized Representative Antonio P. Sablan.

Representative Antonio P. Sablan: I believe that it has been mention during discussion on the committee report; some members have questioned the reversed pertaining to the fees which was between \$200 and \$500; I would like to make a suggestion that we go back to the original fee amount and start with the \$200 and earmark \$25 bounty people that report should be given; it really does not make sense that the reason that we are doing this is because that the people that are charged with enforcing the law have decided on their own not to do it. I do not know if we are going to take the position to support that. If it is part of their jobs their responsibility and they do not do it then obviously they are neglecting their obligations under the law. And here we are trying to reason that the need for this legislation is because the very same people that we are hoping to enforce the law decides themselves not to do it. I am not sure I am ready to accept that. Maybe by amending the bill to include an award for individuals who reports in the violation of the litter-control law can be an alternative; I do not know I can vote on a bill that basically sanctions the neglect of employees in the government that do not do their jobs. Recommendations were made earlier that we are not ready to make a decision on the bill because there are too many concerns. And personally I have a lot of concerns. I think the intent of the legislation is trying to address a recurring problem of littering in our community; but I am not sure that the solution proposed by the legislation is the answer. If people are not afraid of littering with the potential of high fines then what is the rationale of saying that they are going to be more afraid if we lower the penalty. I hope the Chair of the Natural Resources Committee or the author would consider one of our colleagues' recommendation to send it back to the committee. Thank you

The Chair recognized Representative Roman C. Benavente.

Representative Roman C. Benavente: I think we have gone through all the hurdles as far as reasoning and debating; my point here is the issue is existing and we have to do something and I do not care what we do; whether it is \$50, or \$100, or \$1 some sort of enforcement has to be in place; we need to do this now; if we slack off again nothing will happen. If we are going to move on with the bill let us go for it because I do not see any other solution to try to start encouraging these agencies to enforce. Thank you.

The Chair called for a short recess.

3-The House recessed at 5:28 p.m.

RECESS

The House reconvened at 5:30 p.m.

The House reconvened at 5:30 p.m. with the consensus of the House the Chair had instructed to table action of H.B. No. 18-99, HD1 and leave the bill on the calendar. There being no objections on the floor, the Floor Leader withdraws his motion for passage.

UNFINISHED BUSINESS

NONE

MISCELLANEOUS BUSINESS

There was no discussions under this item.

ANNOUNCEMENTS

There was no announcements under this item.

Speaker Joseph P. Deleon Guerrero: Thank you my good Chairman of PUTC for your reminder as our official Energy Marshal in the House. There being no further announcements the Chair recognizes the Floor Leader for the motion to adjourn subject to the call of the Chair.

ADJOURNMENT

The Chair recognized the Floor Leader for adjournment subject to the call of the Chair; Floor Leader Rafael S. Demapan moved to adjourn subject to the call of the Chair; it was seconded and carried by voice vote.

The House adjourned at 5:31 p.m.

Respectfully submitted,

Journal Clerk
House of Representatives

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. 18-27

To amend Part VI, Section 50 (3) of the Revised Tinian Gaming Control Act for the purpose of updating the casino gambling tax to adapt to Asian style gaming and to boost the Asian “High Roller” gaming market. Introduced by REP. TRENTON B. CONNER of Tinian, Precinct 6 (*for himself*) on September 12, 2013.

THIRD LEGISLATIVE DAY:
