



# HOUSE OF REPRESENTATIVES

NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 2016

## LEGISLATIVE JOURNAL

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3<sup>rd</sup> Day, Third Regular Session

Tuesday February 2, 2016

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*The House of Representatives of the Nineteenth Northern Marianas Commonwealth Legislature convened its Third Day, Third Regular Session on Tuesday, February 2, 2016, at 1:40 p.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.*

*The Honorable Rafael S. Demapan, Speaker of the House, presided.*

*A moment of silence was observed.*

### ROLL CALL

*The Clerk called the roll and seventeen members were present; Representatives Angel A. Demapan, Francis S. Taimanao and Ralph N. Yumul were absent and excused.*

Speaker Rafael S. Demapan: Thank you, Clerk. With 17 present we do have the numbers to have this session today. With that notice was also given to the House. Representative Francis Taimanao, Representative Ralph Yumul and Representative Angel Demapan they all gave notice and they are excused on today's session. So with that we will go ahead and proceed down to item II, which is the Public Comment. If there is anyone from the public who wishes to comment on any of the items on today's agenda, please come up to the podium.

### PUBLIC COMMENTS

The following individuals made comments:

Ms. Liana S. Hofschneider

Vice Speaker Joseph P. Deleon Guerrero: Privilege Mr. Speaker.

Speaker Rafael S. Demapan: State your privilege Vice Speaker.

Vice Speaker Joseph P. Deleon Guerrero: Thank you, Mr. Speaker. You know I am cognizant that under public comments, comments made is un-debatable and I am not attempting to debate

what has been said, but I ask that when you please acknowledge anyone to go up to the podium, I believe if they are going to provide comments that it should be subject to what is in our Order of Business and I was looking through the Order of Business to find House Bill 19-124 and there is none or 127 that we are going to act on it and I did not find it – maybe you guys found it. Or this issue about the burial is also not in our Order of Business. So I ask you Mr. Speaker to please remind to follow our rules, I mean this public comment period should not be subject to anything that anyone wants to raise on this floor. That is all I ask Mr. Speaker. Thank you.

Representative Ramon A. Tebuteb: Mr. Speaker on that note, just point of information.

Speaker Rafael S. Demapan: Recognize Minority Leader.

Representative Ramon A. Tebuteb: On the question from the Vice Speaker I believe on the Order of Business we have page 4 to address his concern. Thank you.

Speaker Rafael S. Demapan: So noted. Again, anyone who wishes to comment I would ask that you stay within what is in the agenda. Any other persons who wishes to comment? If none, we will move on to the next item on the agenda. So we will go ahead and move down to item III, Adoption of Journals it appears to be none. We will go ahead and move down to item IV. Recognize the Floor Leader.

Floor Leader George N. Camacho: Thank you, Mr. Speaker. Before we continue, I would like to offer a motion. I was going to ask that we include this on our next session because it is only one communication, but bearing the subject, I would like to include it in today's session. So before we do that I would like to offer a motion to amend our agenda by suspending Rule IX, Section 4 (d) to include Governor's Communication 19-110 on today's calendar. So move.

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

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

(d) Bills and resolutions for introduction may be pre-filed with the House Clerk for formal introduction at the next session, provided that it is pre-filed in sufficient time to appear on the session agenda as required under Rule III. The 72-hour notice and agenda requirements may be dispensed with for Special Emergency Sessions and Sessions called by the Governor in accordance with Rule III.

*The motion was seconded.*

Speaker Rafael S. Demapan: The motion was seconded. Discussion on the motion? Recognize the Floor Leader.

Floor Leader George N. Camacho: Thank you, Mr. Speaker. Let me rephrase the motion. The motion is to include Governor's Communication 19-110 and I believe also a bill for introduction an unnumbered bill and maybe any other unnumbered legislations or communications that will appear before us. So move.

*The motion was seconded.*

Speaker Rafael S. Demapan: Again the motion was seconded. Discussion on the motion?

*Several members voiced “ready”.*

Speaker Rafael S. Demapan: Clerk.

*The Clerk called the roll on the motion to suspend Rule IX, Section 4 (d) with the following results:*

Representative Edwin P. Aldan	yes
Representative Blas Jonathan “BJ” T. Attao	yes
Representative Anthony T. Benavente	yes
Representative Roman C. Benavente	yes
Representative George N. Camacho	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Lorenzo I. Deleon Guerrero	yes
Representative Angel A. Demapan	absent ( <i>excused</i> )
Speaker Rafael S. Demapan	yes
Representative Joseph Lee Pan T. Guerrero	yes
Representative Glenn L. Maratita	yes
Representative Felicidad T. Ogumoro	yes
Representative Edwin K. Propst	yes
Representative Antonio P. Sablan	yes
Representative John Paul P. Sablan	yes
Representative Vinson F. Sablan	yes
Representative Francis S. Taimanao	absent ( <i>excused</i> )
Representative Ramon A. Tebuteb	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ralph N. Yumul	absent ( <i>excused</i> )

House Clerk Linda B. Muña: Mr. Speaker, all 17 members present voted “yes.”

Speaker Rafael S. Demapan: With all 17 voting “yes,” the motion by the Floor Leader has been adopted. Now we will move on to letter (a), which is the House Bill and now recognize Representative John Paul.

### **ADOPTION OF JOURNALS**

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

### **INTRODUCTION OF BILLS**

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

*Representative John Paul P. Sablan officially introduced House Bill 19-129.*

#### **H. B. NO. 19-129**

To amend 1 CMC §7406(a) (4) to allow for parole officers to utilize their government vehicles to carry out their duties and responsibilities more effectively and efficiently; and for other purposes.

**REP. JOHN PAUL P. SABLAN** of Saipan, Precinct 2 (*for himself*, Representatives Blas Jonathan “BJ” T. Attao, Anthony T. Benavente, Roman C. Benavente, George N. Camacho, Joseph Lee Pan T. Guerrero, Glenn L. Maratita, Felicidad T. Ogumoro, Edwin K. Propst, and Antonio P. Sablan)  
**(Referred to the Committee on Judiciary and Governmental Operations)**

*Speaker Rafael S. Demapan referred House Bill 19-129 to the Committee on Judiciary and Governmental Operations.*

Speaker Rafael S. Demapan: It appears to be no more House Bills to be introduced so we will go ahead and proceed down to item – recognize Representative Sablan.

*Representative Antonio P. Sablan officially introduced House Bill 19-130.*

**H. B. NO. 19-130**

To amend 1 CMC § 2809. Homesteads by inserting a new subsection (c) that would allow the Department of Public Lands to require water and power infrastructure designs from all contracts pertaining to the development of homesteads; and for other purposes.

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

Speaker Rafael S. Demapan: Thank you, Representative Sablan. Recognize again.

*Representative Antonio P. Sablan officially introduced House Bill 19-130.*

**H. B. NO. 19-131**

To amend 2 CMC, § 4831, Coordination with Other Agencies; Issuance of Permit; and for other purposes.

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

Speaker Rafael S. Demapan: Thank you, Representative Sablan. Both bills will be referred to the respective Chairs on a later date. So with that we will go ahead and move down to item V, which is the Introduction of Resolution and it appears to be none of that. I would like to ask the members if we can move down to item VI, which is Messages from the Governor, but before we entertain Messages from the Governor if it is not much I would like to ask the members if we can skip that and proceed over to item VII, which is the Senate Communications. Is there any objection on that?

*Several members voiced “no objection”.*

Speaker Rafael S. Demapan: Having none, so I recognize the Floor Leader.

***House Local Bills: None***

***House Legislative Initiatives: None***

## INTRODUCTION OF RESOLUTIONS

*House Resolutions: None*

*House Joint Resolutions: None*

*House Commemorative Resolutions: None*

*House Concurrent Resolutions: None*

## SENATE COMMUNICATIONS

Floor Leader George N. Camacho: Thank you, Mr. Speaker. Under item VII, we do have a couple of items for action, but on that note I would like to go ahead and offer a motion that we accept all Senate Communication 19-118 all the way to Senate Communication 19-123 so that they become the property of the House, so move.

SEN. COMM. 19-118: (1/19/16) Transmitting a certified copy of Senate Resolution No. 19-28, entitled, “Commending the life and outstanding contributions of the late Honorable Governor Eulogio (Eloy) Songao Inos to the Commonwealth of the Northern Mariana Islands and its people and to pay tribute for his many years of dedicated service.,” which was adopted by the Senate on January 4, 2016. [*For info*]

SEN. COMM. 19-119: (1/27/16) Transmitting for House action S. B. NO. 19-76, entitled, “To amend 4 CMC §1511(d) to authorize the first and second senatorial district delegations to appropriate their respective special account funds for any local public purposes; and for other purposes.,” which was passed by the Senate on January 27, 2016. [*For action*]

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

SEN. COMM. 19-120: (1/27/16) Transmitting for House action S. B. NO. 19-66, SS1, entitled, “To amend 2 CMC §§1631, 1634, 1636, 1637, and 1644 to authorize the Division of Fish and Wildlife to regulate marine sports and activities within the waters of conservation areas and sanctuaries, and to impose and collect conservation area management fees by regulation; and for other purposes.,” which was passed by the Senate on January 27, 2016. [*For action*]

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

SEN. COMM. 19-121: (1/27/16) Informing the House that the Senate accepted the House amendments to S. B. NO. 19-30, SD1, HD1 (To include in the duties and responsibilities of the Commonwealth Utilities Corporation the expense, payment of all costs and fees pertaining or relating to the operations, maintenance, and lighting of street lights on public and residential access roads; and for other purposes.) on January 27, 2016. [*For info*]

SEN. COMM. 19-122: (1/27/16) Informing the House that the Senate accepted the House amendments to S. B. NO. 19-25, HD2 (To prohibit tattooing of minors without the written consent of the parent or legal guardian; and for other purposes.) on January 27, 2016. [*For info*]

SEN. COMM. 19-123: (1/27/16) Returning H. B. 19-100, entitled, “To amend 6 CMC §2256(a) (2) to reduce the insurance liability requirement for shooting galleries and shooting ranges; and for other purposes.”, which was passed by the Senate without amendments on January 27, 2016. [*For info-Will go to Governor*]

*The motion was seconded.*

Speaker Rafael S. Demapan: Again, the motion was seconded, discussion on the motion by the Floor Leader. Appears to be none.

*There was no discussion and the motion to accept Senate Communications 19-118 to 19-123 was carried by voice vote. There was no nay vote.*

Speaker Rafael S. Demapan: Reference to Senate Communication 19-119 will be referred over to Ways and Means. The other Senate Communication on 19-120 will be referred over to Natural Resources. It appears that item VIII, IX, X none. So we will go ahead and move down to item XI, which is the Miscellaneous Communication. Clerk.

## **HOUSE COMMUNICATIONS**

*The Clerk announced the following House Communication:*

HSE. COMM. 19-74: (1/28/16) From Representative Taimanao, informing the Speaker that he will be off-island on official business beginning January 31, 2016 until February 5, 2016 and request to be excused from any meetings or sessions during his absence. [*For Info*]

## **COMMUNICATIONS FROM THE JUDICIAL BRANCH**

None

## **COMMUNICATIONS FROM DEPARTMENTS & AGENCIES**

None

## **MISCELLANEOUS COMMUNICATIONS**

*The Clerk announced the following Miscellaneous Communication:*

MISC. COMM. 19-17: (1/27/16) From the Tinian Legislative Delegation informing the House that the delegation re-organized during its First Day, Third Regular Session on January 25, 2016. [*For Info*]

Speaker Rafael S. Demapan: Thank you, Clerk. Now we will go down to item XII, which is the Reports of Standing Committee. I now recognize the Floor Leader.

## REPORTS OF STANDING COMMITTEES

*Floor Leader George N. Camacho made a motion to adopt Standing Committee Report 19-76.*

**S. C. R. NO. 19-76:** Reporting on H. B. NO. 19-32, entitled: “To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.” *Your Committee on Natural Resources recommends that the House pass H. B. NO. 19-32 in its current form.*

*The motion was seconded and there was no discussion on the floor. Standing Committee Report 19-76 was adopted by voice vote. There was no nay vote.*

Speaker Rafael S. Demapan: If I may, I would like to direct the members and we go back to item VI, which is the Messages from the Governor. Clerk.

## MESSAGES FROM THE GOVERNOR

*The Clerk announced the following Messages from the Governor:*

GOV. COMM. 19-109: (1/16/16 received 1/27/16) **Executive Order 2016-01** – Declaration of a State of Significant Emergency: Commonwealth Utilities Corporation’s Imminent Generation and other Failure and the Need to Provide Immediate Reliable Power, Water and Wastewater services.

GOV. COMM. 19-110 (1/27/16 received 2/1/16) **Executive Order 2016-02** – Renewal of Declaration of Major Disaster and Significant Emergency in the Commonwealth of the Northern Mariana Islands.

Speaker Rafael S. Demapan: Thank you, Clerk. Any discussion on the comment made by the Clerk? If none, I would like to go ahead and recognize the Floor Leader.

Floor Leader George N. Camacho: Thank you, Mr. Speaker. If you look on your agenda at the very end actually this is from a previous Governor’s Communication. Particularly Governor’s Communication 19-93 it is at the very back of your agenda. Informing the House that he signed into law and line item vetoed in parts, House Bill 19-95, HD1, HS1, SS1 into Public Law 19-24. Mr. Speaker, I would like to bring this communication into light for further discussion and review by this body.

GOV. COMM. 19-93: (12/4/15 received 12/7/15) Informing the House that he signed into law and line item vetoed in parts, H. B. 19-95, HD1, HS1, SS1 (Casino Act Amendment). Became **Public Law 19-24, item vetoed [Deadline 2/5/16]**

Speaker Rafael S. Demapan: Thank you, Floor. Before I entertain any discussion on this communication. If I may and if there is no objection by the members, I would like to just briefly comment on the action done by the Governor so that we can begin our discussion on this issue.

First, the Governor has signed into law House Bill 19-95, HD1, HS1, SS1 and now is Public Law 19-24, however there are several issues which he disapproved. One of the issues that I would like to mention is under 1 Section 5, part (c) and (d) which provide for nonrefundable tax credit to be applied against the CNMI gross revenue tax. I feel that its policy call on this body. The second is the final clause of the third sentence which provides that any decision of the commission to revoke the exclusive casino license shall be submitted to the Legislature for approval by the majority of the members of each House through a joint resolution. I also feel that that is also a policy call by this body. Last, the third which is Section 15 creating a new section of the law is disapproved in its entirety because it conflicts with Section 13 of the enactment and members of the Commonwealth Casino Commission its employees are not to be construed as employees of the Commonwealth. Mentioning the three items that I just mentioned, questions were raised on House Bill 19-95 whether it is an appropriation bill. Second, does the Governor have the authority to line item veto portion of House Bill 19-95 and with that I would like to open the floor for each member. Recognize the Vice Speaker.

Vice Speaker Joseph P. Deleon Guerrero: Thank you, Mr. Speaker. In December when I was still Speaker, I requested a legal opinion from our Legal Counsel with regards to Public Law 19-24 and the two questions you raised and on December 28 a legal opinion was rendered to the Speaker then. I wanted to find out if members have a copy of this and if not can we take a short recess so I can get copies made for the members before we begin discussion. Any objections to short recess? Thank you, Mr. Speaker.

*Several members voiced “no objection”.*

Speaker Rafael S. Demapan: Short recess.

*The House recessed at 2:06 p.m.*

*RECESS*

*The House reconvened at 2:16 p.m.*

Speaker Rafael S. Demapan: Thank you, members. Before we got to the recess part, we were discussing House Bill 19-95. The floor was with the Vice Speaker. So go ahead Mr. Speaker.

Vice Speaker Joseph P. Deleon Guerrero: Thank you, Mr. Speaker. Everybody has gotten a chance to look at the opinion by the Legal Counsel. One of the things that the Legal Counsel looked at is the definition or how the Constitution defines the principle attributes of an appropriation bill. One of them under Article II, Section 5 (a) is that appropriation and revenue bills may be introduced only in the House and another Section 5 (b) basically states that it shall – appropriation bill shall be confined to one subject except bills for appropriation or bills for the codification, revision or rearrangement of existing laws. In an appropriation bill what this means one subject it means an appropriation bill can provide for appropriation for more than one entity I guess. It can provide for appropriations such as the budget bill to provide funding for different entities, but it cannot do regulatory provisions at the same time, which is what 19-95 was, House Bill 19-95. One component of it was to earmark the \$3 Million towards the commission, but there are other parts in it which provided the commission with the authority to do other

regulatory functions and that is one of the reasons why 19-95 is not an appropriation bill. The other issue is that in an appropriation bill the Governor may line item veto however under Article II, Section 7 “The Governor may veto an item section or part in an appropriation bill and sign the remainder of the bill provided that the Governor may not veto an item section or part governing the manner in which an appropriation may be expended if any appropriation affected by the item section or part is approved.” We all know that in a budget when a Governor line item vetoes administrative provision he has to correspondingly strikeout the amount relevant to that administrative provision. In 19-95, the Governor line item vetoed three provisions which did not have the corresponding amounts stricken out and that is because those three parts that were line item vetoed were not appropriation provisions they were regulatory provisions in the bill. So taking all that into account, House Bill 19-95 is not an appropriation bill, now what does that mean? If House Bill 19-95 is an appropriation bill as the Governor considers then the \$3 Million Dollar earmark should laps this fiscal year because appropriation bills are temporary and it should cover a fiscal year that was not the intent of House Bill 19-95. House Bill 19-95 intended to provide that on a continuous annual basis. So the affect here is if it is an appropriation bill and the Governor can line item veto then it means we have to reenact that and continuously every year appropriate the \$3 Million. If the intent of the bill was to create an earmark then it should not be an appropriation bill and I think that is the issue at hand right now. The Speaker wanted to put this on the table so that we can discuss. I think the major importance here is that this thing has to be clarified especially with regards to the Governor’s action and also I understand the Law Revision Commission may also have an option that they may exercise in how they treat this whether it is an appropriation bill or not. I would like to ask the Legal Counsel to perhaps expound on what could happen with the Law Revision Commission. Mr. Speaker is that alright?

Speaker Rafael S. Demapan: Thank you, Vice Speaker. Now recognize the Legal Counsel to further clarify.

Legal Counsel John Cool: Well the Law Revision Commission is charged with the responsibility of codifying Commonwealth laws. If this is an appropriation bill and not a general law it will not be codified. If it is codified, the Law Revision Commission is likely to do it with a footnote sighting the Governor’s veto. Again, we do not know what the Law Revision Commission would do at this time. If they treat it as an appropriation bill, we will need to – a greater indication then we would need to reenact the substitute provisions of House Bill 19-95 since appropriation bills expire when the period covered by the appropriations expires. In this case what we did is we appropriated the \$3 Million Dollar administrative fee that was paid for the fiscal year 2016 however we already adopted the 2016 appropriation act. So we appropriated the \$3 Million Dollars for the fiscal year 2016 it is hereby appropriated to the Commonwealth Casino Commission for its personnel and operations expenditures and that is the language the Governor relied on in forming his opinion that it was an appropriation bill.

Speaker Rafael S. Demapan: Thank you, Counsel. Any other member that wishes to comment? Recognize Floor.

Floor Leader George N. Camacho: Thank you, Mr. Speaker. Just a quick question to the Legal Counsel. I believe there is a deadline on the time when we can move to override this, but is there a deadline with the Law Revision Commission before they actually codify or not codify this?

Legal Counsel John Cool: No they do not have a deadline. In the past items took sometimes years to codify. Now they are doing a tremendous job in the bills that we enact are usually codified within a month, fifteen days to a month. So it is their time table that they improved incredibly.

Speaker Rafael S. Demapan: Thank you, Counsel. Recognize Representative Deleon Guerrero.

Representative Lorenzo I. Deleon Guerrero: Thank you, Mr. Speaker. Just to a follow up question. So there is no deadline for the Law Revision to codify a particular document that it receives their offices. I wonder if we inquire to see if it has been done or it is still pending for codification so that we can further discuss the matter. Thank you, Mr. Speaker.

Speaker Rafael S. Demapan: Go ahead Counsel.

Legal Counsel John Cool: I have not contacted the Law Revision Commission recently. We did talk to the Casino Gaming Commission when they were here attending the a public hearing last week. They had contacted the Law Revision Commission and as of last week they had taken no action on codifying the bill.

Speaker Rafael S. Demapan: Thank you. Recognize Representative Lee Pan.

Representative Joseph Lee Pan T. Guerrero: Thank you, Mr. Speaker. As to our colleague Representative Guerrero's question. I have spoke to one of the Counsel for the Law Revision Commission Sheila Trianni over the weekend and according to her Counsel Michael Stanker will be issuing an opinion. They have not yet codified this and they want to issue an opinion in respect to this. So they are suppose to provide us their opinion yesterday and I received an email from Sheila that I need to discuss this with Michael Stanker in respect to the Public Law 19-95. Thank you, Mr. Speaker.

Speaker Rafael S. Demapan: Thank you, Representative Lee. Recognize again, Representative Lorenzo Deleon Guerrero.

Representative Lorenzo I. Deleon Guerrero: Yes, I want to thank Representative Lee for giving us some insight on this particular matter. For now I yield. Thank you.

Speaker Rafael S. Demapan: Thank you, Representative. Recognize Representative Tony Sablan.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. Good afternoon members and to our guests this afternoon. What we have in front of us as previously stated by some of the members is a difference in opinion with regards to the status of House Bill 19-95 signed into law becoming Public Law 19-94. It is the Governor's and the Administration position that it is an appropriation bill therefore is subject to line item veto. Legal Counsel has provided members of this body with an opinion that says it is not an appropriation bill and therefore should not be subject to the line item authority provided for under the Constitution. So it is important at this point, I think to mention that different options are available to this body. One is an override and at this point let us look at the override issue. It is an information that the Senate has not scheduled a session until after the date line for this body to act on the potential or the override option which is the fourth, but I think it is important that we as members of the legislative body take this matter seriously in

that the constitution and the enabling legislation which provides the framework in regards to appropriations and the introductions of bills tries to clear and provide the guideline in regards to how the difference between an appropriation and other non-appropriation bills are – we have a difference of opinion and I think it is important although the override option is moot at this point considering it takes the action of both Houses to provide a solution to this impasse. The other options have already been mentioned by some of the members and the is depending on how the Law Revision interprets the Public Law 19-24 whether the Law Revision in its interpretation will codify it as an appropriation bill as the Administration takes, but I believe appropriation bills have a lifetime generally it is a year and they expire as the Legal Counsel has earlier explained. However if the Law Revision takes the position if it is general law then it gets codified. Most likely that is the option that we have in front of us right now is to wait for the interpretation. The other one is a certified question, but I think it is important that we look at all options. I think right now the most logical and reasonable option available is to wait and see what the Law Revision position in regards to this matter, but again let me just emphasize the importance of sitting back and not doing anything to address this issue for what we do or what happens to Public Law 19-24 and the actions taken by the Governor in signing it into law has ramifications for future Administrations. I think the other option that we have is to go back and look at current constitutional provision and the enabling legislation that suppose to provide the guidelines on how the type of legislations or bills are classified. For now I think personally, I would like to thank the Chair for affording us the opportunity to put on a public record our concern in regards to this particular issue. There are important provisions in Public Law 19-24 and that is providing the gaming commission first with the regulatory authority to charge the fees, the regulatory fees, I do not think it is the Administration's intent that that particular authority granted to the gaming commission is only good for a year and that is why this is important. Do we need to come back after the expiration of Public Law 19-24 if it is an appropriation bill as maintained by the Administration we come back and we introduce the same thing all over to ensure that we provide the necessary authority to the gaming commission to ensure that it properly monitors and regulates the casino industry. Again, I hope that the Chair would continue to make this an important issue before this body. Like I said we cannot just sit back and not do anything about it as it would become again a precedence for future Administrative action on bills that come out of this body unless we clarify the position. Thank you, Mr. Speaker. I yield.

Speaker Rafael S. Demapan: Thank you, Chairman Sablan. Any objection for the Chair to say a few. Before I proceed with my comment let first go ahead and recognize Representative Roman Benavente.

Representative Roman C. Benavente: Thank you, Mr. Speaker. In light of this bill we have in front of us. I know we tried to revive this bill again trying to figure out a solution in how we got to go about to try to make it better, if not better to try to make it workable. So process been going forward, I just would like to ask the Legal Counsel, were you aware of the stipulation of all these stipulation that encumbers or infringe the different authorities that convolutes the bill?

Legal Counsel John Cool: Could you repeat the question?

Representative Roman C. Benavente: Are you aware of the initial – prior to the introduction of the bill or the passage of the bill? Were you aware of the different stipulations that infringe the differences of authority between appropriations and statute with regards to the bill and if that is

the case then at least what I feel that is very proper at this point in time because this is already a law, but we are in the limbo right now whether it is statute or appropriation and in light of Representative Sablan's view point he said it is better to resort to the opinions of the court revision. The opinions of that would really step up and maybe from there we might have to come about – this body would probably come about with a standalone legislation that would be introduced to separate the power between the appropriation and the statute within this process that is it Mr. Speaker. That is a comment that I would like to be on record that I would like to put it out also. Thank you.

Speaker Rafael S. Demapan: Are you suggesting that there is no more questions to the Legal Counsel for clarification?

Representative Roman C. Benavente: Personally Mr. Speaker I would like if he could answer that because we voted for this bill on the floor and all intention and I am sorry because I will admit it I voted "yes" on the bill and I will not deny that. Everybody makes mistakes and of course we have Legal Counsel to guide us and assure us that if not the best, but at least we can come up with a workable resolution to any bill that we put out on the floor. Thank you, Mr. Speaker.

Speaker Rafael S. Demapan: Thank you, Representative Benavente and I thank you for your support. Counsel you may clarify further.

Legal Counsel John Cool: We have enacted a number of bills over the years that contain appropriation provisions, but they are not appropriation bills and we have observed the distinction. A true appropriation bill is limited to the subject of appropriations that is all that is supposed to be contained in it. There has been times in the past when appropriation bills have contained administrative provisions that do not relate to the appropriations those are in appropriate. Now we are following that much more strictly than the legislature has maybe on the last five, six, seven, eight years and one thing that we do when we pass a bill particularly a new bill that creates a new program and there is an available source of funding, we would contain an appropriation bill in that legislation to fund the program that we are creating and what it really boils down to is we can have a general law that does contain an appropriation provision, but that does not make it an appropriation bill. So an appropriation bill has to be limited to the subject of appropriation, but general laws do not have to be limited to the subject of general laws.

Speaker Rafael S. Demapan: Thank you, Counsel. Further response, go ahead Representative Benavente.

Representative Roman C. Benavente: Thank you, John for that I really appreciate that. I know the distinction with regards to an annual appropriation and a statute appropriation. Statute appropriation is like you said something new that we have to allocate that or direct that funds to the specific program that has been introduced or to that subject matter. I agree with you and I respect what you said, but again this situation that we have on this bill right now boils down to almost like a constitutional issue that we have to be very keen about and we have to be mindful into how we address this issue that is why I personally recommend that maybe we can come up with a standalone bill to try to – this body might come up with a standalone bill to try to solve this problem. Thank you, Mr. Speaker.

Speaker Rafael S. Demapan: Thank you, Representative. For the second time, I would like to recognize the Vice Speaker.

Vice Speaker Joseph P. Deleon Guerrero: Thank you, Mr. Speaker. One of the options that was raised aside from overriding the Governor's veto was possibly posing a certified question. Would this issue be – is this a good candidate for a certified question? Can the supreme court rule on this issue because my understanding is they cannot adjudicate on appropriations. Is that correct Counsel, but this question that would be posed would be whether House Bill 19-95 would be an appropriation bill or not? Counsel?

Legal Counsel John Cool: Actually it is a very appropriate subject for the certified legal question because it involves a dispute between the legislative branch and the Governor and it would involve reviewing the Governor's authority to exercise the line item veto. We do have a language when in the constitution it mentions the appropriation bills when it says "appropriation bills shall be limited to the subject of appropriations legislative compliance with this subsection is in constitutional responsibility not subject to judicial review." In other words the courts cannot second guess the legislature and come up with a judicial opinion as to the appropriateness of the legislatures confining the bill to a single subject or limiting an appropriation bill to a subject of appropriations. It is a real close question as to whether or not the certified question would resolve in a judicial review of the legislatures actions because we are not – we are questioning two actions – is the bill an appropriation bill and is the Governor's line item veto appropriate. I would say it is a borderline consideration as to whether or not it would be a judicial review of the legislatures action. In the past the court has taken jurisdiction for a certified question even when there have been much more clear situations where the subject matter should not have been brought in before the court for judicial review. In many cases the court uses its own discretion in deciding whether or not it wants to take the certified question or not even though it may not formally legally meet all the requirements for a certified question. I believe in this case that the courts would want to decide this case because of its importance and would allow us to proceed with the certified question.

Vice Speaker Joseph P. Deleon Guerrero: Thank you, Counsel and thank you Speaker.

Speaker Rafael S. Demapan: Thank you, Counsel. Any other? Now recognize Representative Tony Benavente.

Representative Anthony T. Benavente: Thank you, Mr. Speaker and good afternoon to the members. Just a question, I know that the bill House Bill 19-95 was signed into law as Public Law 19-24 by the Governor on December 4 and with that and the opinion from our Legal Counsel requested by then former Speaker Deleon Guerrero requesting and this opinion came on December 28 and I believe we are entitled for an override which is now in today's session if I am not mistaken required 60 days. So that in mind December 4 and January and February so we have up to this Thursday on the deadline and in such a sense is this required on both Houses the House and the Senate for that 60 days period for the override? The question I might ask is why all of a sudden that we have to bring this real quick. I know that in the beginning to process the House Bill 19-95 it was again an all of a sudden bill then you know – I agree I can say that I voted "yes," but with the Governor's line item veto, the Counsel's report they may be unconstitutional or it is not proper for the Governor to line item it if it is not an appropriation bill, but I know that

it is a deadline that we have up to February fourth which is the 60 days period. I guess we are rushing things to do what is appropriate or right, but I am kind of surprise on this issue. So I will yield for others to comment. Thank you.

Speaker Rafael S. Demapan: Thank you, Representative. Do you still want an answer? Thank you. I now recognize Representative BJ Attao.

Representative Blas Jonathan “BJ” T. Attao: Thank you, Mr. Speaker. In line with Representative Benavente’s question, the December 4<sup>th</sup> signing into Public Law 19-24 and the legal opinion coming out on December 28 – House Bill 19-95, HD1, HS1, SS1 was debated on the merit of the employees of the Casino Commission and we knew during our debate process that they had enough funds to a certain time. I believe it was beyond the December 28, why did we not bring this issue up in December so that we can fix the mishap in introducing a legislation to satisfy the needs that was requested by the commission in regards to their employees because that was the big argument during our session was to make sure that the employees get paid. So in that sense we are now in February with a deadline that is two days from now and yet we are talking about this specific issue and if it does go into a certified question and the law revision commission decide that it is null and void. Do these employees of the commission have to pay back what they have been paid already? Thank you, Mr. Speaker.

Speaker Rafael S. Demapan: Thank you, Representative. As we all know back then when the bill was first introduced we were debating on the issue whether – on that issue that time there were two issues there at hand each one is to give them the appropriation and the other was to regulate them. You are referring why only December 4<sup>th</sup> when it was issued on the transmittal by the Governor? Is that a question?

Representative Blas Jonathan “BJ” T. Attao: Yes, Mr. Speaker and the December 28<sup>th</sup> legal opinion that we got from our Counsel Mr. John Cool. It came out on December that was over a month ago. We could have been reviewing this document and reflecting on the actual legislation and maybe consider the actual public law weeks ago null and void and fix the process properly. If the legal opinion that we are getting from our House Counsel that it is not an appropriation bill. As members of the legislature we all know that most appropriation bills starts off with A Bill for an Act to appropriate. Thank you.

Speaker Rafael S. Demapan: Thank you, Representative. As we all know with the untimely passing of our Governor and because of that the House were in a situation where with all due respect to our Governor and in addition to that yes, the House has met several times on this issue. We discussed the merits on the passage on 19-95 even to the extent to the Legal Counsel analysis today, which is two, three days before the expiration of the 60 days period. We do have options here, we do have three options and the course of action as mentioned some of the Representatives so we are here today to see what we can do to put this case to closure. So with that any other member wanting to chime in on that. Recognize the Vice Speaker.

Vice Speaker Joseph P. Deleon Guerrero: Thank you, Mr. Speaker. Just to – I think Representative Attao raised a legal point and that is whether what happens to those employees will this bill require them to pay back what they have been paid? The Counsel can respond to that. I think the issue here is if this is an appropriation bill and depending on how the Law

Revision – if the Law Revision codifies it or not. If it is an appropriation bill the consequence of that is that the appropriation made would expire at the end of this fiscal year. I do not think it would remove the legality of House Bill 19-25 or Public Law 19-24 that would stay in effect they would be paid the authority is granted to them, but that authority and the funding would expire the end of this fiscal year. Counsel first is that – I would like to hear your thoughts on that.

Speaker Rafael S. Demapan: Go ahead, recognize Counsel.

Legal Counsel John Cool: The provisions relating to the appropriation of the Three Million Dollars to cover the operating expenses from personnel or the gaming commission was not affected by the line item veto that provision still remains in effect. Also the provision relating to the continuing earmarking of the Three Million Dollars for the operations of the Casino Commission. The problem is if this is characterized as an appropriation bill and the appropriation that was made by the legislature was for the fiscal year 2016, the entire bill all of the subsidiary provision plus the appropriation provision would expire. The bill would no longer be in effect so that would just simply require additional legislation to reauthorize the earmarking and the subsidiary provisions. It would not have an effect of requiring the employees to pay back anything at all they are covered at least for the fiscal year 2016.

Speaker Rafael S. Demapan: Thank you, Counsel. You wanted to respond Representative Attao?

Representative Blas Jonathan “BJ” T. Attao: Thank you, Mr. Speaker. And that is without question we all know that the appropriations of the bills die off on September 30 of each year, but now if the Law Revision Commission comes out with an opinion or the Supreme Court comes with an opinion it is not an appropriation bill by virtue of the legal opinion by John Cool it would be a null and void law because it would be against the Constitution it never became law. So now that leaves the laps months that we have gone through would that be accountable for the employees of the commission to have to pay back for the services that they rendered I guess you can say.

Legal Counsel John Cool: No that would not be a problem because number one, let us assume the Governor has no authority to line item veto that is unconstitutional. Number two, he has no authority to approve the balance of the bill that is unconstitutional. So what we have is a bill that is submitted to the Governor and has not been signed by the Governor so it would become law at the laps of the forty-day period, which I believe is December 31<sup>st</sup>. So it would have become law without the Governor’s signature assuming that his actions were in violation of the constitution.

Speaker Joseph P. Deleon Guerrero: Just to further clarify the point – thank you. What it would basically mean is the bill as passed by the legislature would become law without the signature of the Governor even though he did sign it meaning that the line item veto would not be in effect.

Speaker Rafael S. Demapan: Thank you, Vice Speaker. I now recognize the Minority Leader.

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. I guess my question to the body then or the decision of the leadership to have this session is what is the disposition that you are seeking the body. Let me perhaps just rephrase. I completely agree with Representative Sablan’s comments, but to put some perspective my personal opinion is perhaps the real issue is due

diligence. Let me just remind the members of this body that this issue contained in 19-95 now Public Law 19-24 was seen since June of last year and then there was an attempt to submit this bill through an emergency session after the Soudelor that is in August and then subsequently after this bill was fast tracked and no committee report and it sailed smoothly during that process prior to heading the bill heading up to the Senate. The Attorney General also came out rendering opinion on parts of the legislation. Perhaps one of the consideration as indicated by the Representative Sablan should be seriously considered because in front of us we have a session called that requires and met the Open Government Act and basically we have had at least an hour on conversation on this specific issue. I strongly feel that even the course of action that this body may want to consider if it intends to go to reconsidering their action or our action or reconsidering what we want to do simply defined in some terms as override that you will or our action if we want to proceed on reconsideration will also press the Senate given what have transpired in other measures from the Senate asking this body to consider it is going to be a very slippery slope Mr. Speaker and members. So basic question what is the disposition for us to consider this when we have had opportunities before?

Speaker Rafael S. Demapan: Thank you, Minority Leader. Before we decide on the fate of this matter we will go ahead and continue discussing the matter before we get to the point. At the end of discussion there will be a decision as to how do we proceed on this matter. So I would like to hold on to that unless the discussion is done. Recognize the Vice Speaker.

Vice Speaker Joseph P. Deleon Guerrero: Kind of a point of information Mr. Speaker. What I am hearing right now from two individuals is questioning the intent of the bill or the contents of the bill. I just want to clarify that this is not the issue here, not the House's action or the Senate's action that is being questioned. It is the Governor's action whether he has the authority to line item veto the bill not ours not an issue with all these things we discuss under 19-95 and I think what the issue is if we keep quiet, if we do not raise the issue, what is to prevent a Governor in the future, any Governor to line item veto non-appropriation bills and say that you guys allowed it last time when it happened, you guys did not say anything and that set a precedent and therefore you guys did not say anything – you did not feel it is unconstitutional and he will do it and that is the issue whether the Governor's actions was appropriate. And we are basing our discussion today on the laws and the Constitution not our actions and I think the Speaker what we want to do is *ta planta* in front of us so we can discuss it and what remedy would be appropriate. We understand that the time for an override maybe too late. We understand the Senate may not – what do you call this – agree with what the House may do, but even if we did the override if it simply sends a message that we feel that this is not right or that this should not be continued then at least that it sends the point and if anything even if we do not do that even if the Speaker, we agree today that “Mr. Speaker can you just send a letter to the Governor and raise this concern to them and maybe a letter to the Law Revision Commission and point out our concern and that maybe our actions” that is fine. My position here is just that we raise the issue so that we do not turn a blind eye to that. It may be going to court and maybe having the courts determine whether that act was constitutional or not that is up to us. I am not going to advocate for either way. The only thing I am advocating for is to raise the issue. Thank you.

Speaker Rafael S. Demapan: Thank you, Vice Speaker. I recognize Representative Villagomez.

Representative Edmund S. Villagomez: Just a question did the leadership ever think about calling this bill before it left the House or when it got to the Governor's desk or anything like that? Thank you.

Speaker Rafael S. Demapan: Recognize the Vice Speaker.

Vice Speaker Joseph P. Deleon Guerrero: Just to respond again we recalled a bill from the Governor if our actions was something we wanted to reconsider that is not the case with this it is not our actions that need to be reconsidered it is the Governor's action so therefore we cannot recall it anyway, we would recall it before he signs it or vetoes it. After he line item vetoes, he has acted on it and therefore we cannot recall it at that time. Thank you.

Speaker Rafael S. Demapan: Thank you, Vice for that clarification. Representative Villagomez you yield? Any other member? So if none is there any objection if I just say a few in regards to this matter.

*Several members voiced "no objection".*

Speaker Rafael S. Demapan: I know some members have spoken already. I will try not to repeat what was said, but the Chair also believe that if the Governor had vetoed the whole bill that I would respect that. If he had signed the bill also into law with the line item veto I would respect that also as well. Pass or veto either one would have been fine, but the constitution does not allow the Governor to do both. He cannot pass the bill and veto the bill at the same time and this is my position as the Chair. I also understand the position of the Governor in view of Public Law 19-24 as an appropriation bill, but we should also be careful not to assume the Public Law 19-24 was an appropriation bill. If we did make the assumption there would be a severe unintended consequence and as stated by some of the members earlier on those consequences, let me also remind the members that based on Public Law 19-30 Section 10 defines appropriation bill, appropriation bills as temporary laws that expired and cease to exist at the end of the period covered by the appropriation as well as stated mentioned as some of the members. Since the appropriation provision of 19-24 applies to FY 2016 then the law if it were an appropriation would expire and cease to exist which is this year. Members the course of action today as stated by Representative Sablan and there are three course of action, one is to override, second is the certified question and third is after discussing all this with the members is to allow the law commission to do its work and after today I would ask each member that the course of action would be for this body to take the ladder part which is to allow the law commission to do its work and in addition to that the Chair will write a letter perhaps a joint letter with the Senate President and address this matter with the Governor. Is there any objection to that move?

*Several members voiced "no objection".*

Speaker Rafael S. Demapan: Recognize Representative Sablan.

Representative Antonio P. Sablan: Thank you, Mr. Speaker. In regards to your offer in the course of action to this body which is to bring into light and the concerns to the Governor. I think it is also important and I have not heard whether the Chair has made any official inquiry. I think some members have individually made inquired the position of the Law Revision and I believe it is

important that something of this nature should come from the Chair so that we get a clear guidance in regards to just what the official position is of the Law Revision in regards to its consideration of Public Law 19-24 whether it is an appropriation legislation or it is a general law signed and I am fine with that. Like I said I believe at this time that would be the most appropriate course of action at this time for this body. Thank you.

Speaker Rafael S. Demapan: Thank you, Chair.

Representative Ramon A. Tebuteb: Mr. Speaker, point of clarification.

Speaker Rafael S. Demapan: Recognize the Minority Leader.

Representative Ramon A. Tebuteb: On that note the Minority Leader on behalf of the minority did send an official correspondence to the Law Revision to what has been discussed here to bring to light for further discussion. Basically, I have informed the Law Revision to make sure that their lights are really on to address the issues that are contained in this bill or the law.

Speaker Rafael S. Demapan: Thank you, Minority Leader. Again in addition to the Chair – to the letter to the Governor – I will also write a similar letter to the law commission pattern to the Minority Leader’s concern, but today I am pleased that we are discussing the issue this is something that we cannot ignore it is an issue. As we all know there are two questions are at issue here and some of them are being asked or answered on today’s session. Any other member wishes to comment on this before we move on to the next item? Recognize Representative Propst.

Representative Edwin K. Propst: Thank you, Mr. Speaker. I want to thank you for everyone with their comments, but I just wanted to echo some of the sentiments. I agree with some of my colleagues in the minority with regards to the timing of this. I do understand we have been through a lot with the passing of our dear Governor and there is so much on our plates obviously within the precinct and other matter, but most certainly when we did receive this and I look at the date that this decision was rendered or his opinion which was December 28 that is well over a month ago. Just for future in the future when something like this comes up as pressing, I know sometimes obviously we are divided it would be good if we shared the information and discuss it further. I think I do recall voting against this bill House Bill 19-95 and for several reasons some of them considering the parts that were line item vetoed I do not necessarily think that is a bad thing. The constitutionality of it that is at question, I do agree that it could be put forth in the Supreme Court as a certified question and I do believe that they would answer that question, but that is something we could look at. The other thing I guess one of my questions is has the Attorney General come up with any answer on this whether it is unconstitutional or not? Thank you.

Speaker Rafael S. Demapan: Thank you, Representative Propst. The latter part on your concern, I do not know if the Attorney General has an opinion on the action done by the Governor, but on the early part so noted and we will see what we can do to have a better communication with the Administration so that situation like this on the future can be addressed sooner other than later. Any other members? Ready? So if none, we will go ahead and skip item XV, which is the

Resolution Calendar and item XVI under the Bill Calendar and we will move on to item XVII, which is the Miscellaneous Business. Recognize the Minority Leader.

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

None

## **UNFINISHED BUSINESS**

None

## **RESOLUTION CALENDAR**

*No action was made on this part of the agenda.*

### **C. RES. NO. 19-20**

A House Commemorative Resolution to congratulate the Marianas Chapter of the Pacific Century Fellows Program on the occasion of the graduation of the 2015 class and to recognize and commend the inaugural 2014 class and the 2015 class of the Pacific Century Fellows for their exemplary community service in response to Typhoon Soudelor.

## **MISCELLANEOUS BUSINESS**

Representative Ramon A. Tebuteb: Thank you, Mr. Speaker. Before you go to Miscellaneous, I believe we do have a Bill Calendar 19-32?

Speaker Rafael S. Demapan: That is correct. I say this because as we all know we are anticipating having a session some time later this month unless we see an urgency on this bill. Is there any? So with that we go ahead and move back to item XVI, which is the Bill Calendar. Floor Leader.

## **BILL CALENDAR**

Floor Leader George N. Camacho: Thank you, Mr. Speaker. We do have one bill on calendar which came from our Standing Committee Report. Before I make any motion Mr. Speaker, I thought we agreed to take action on this on our next session?

Speaker Rafael S. Demapan: Before that Floor can I ask the Minority Leader the urgency on this?

Representative Ramon A. Tebuteb: This is not a new bill Mr. Speaker as also indicated in the committee report and it is crucial that we submit this to the Senate as soon as possible. Thank you.

Speaker Rafael S. Demapan: Short recess.

*The House recessed at 3:16 p.m.*

## **RECESS**

*The House reconvened at 3:16 p.m.*

Speaker Rafael S. Demapan: Back from our recess. Go ahead Floor you may proceed.

*Floor Leader George N. Camacho made a motion to pass House Bill 19-32.*

**H. B. NO. 19-32**

To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits. [See S. C. R. NO. 19-76]

*The motion was seconded.*

Speaker Rafael S. Demapan: Thank you, Floor Leader. The motion by the Floor has been seconded, any discussion on the motion? Appears to be none, Clerk.

*The Clerk called the roll on the motion for the passage of House Bill 19-32 on First and Final Reading with the following results:*

Representative Edwin P. Aldan	yes
Representative Blas Jonathan “BJ” T. Attao	yes
Representative Anthony T. Benavente	yes
Representative Roman C. Benavente	yes
Representative George N. Camacho	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Lorenzo I. Deleon Guerrero	yes
Representative Angel A. Demapan	absent ( <i>excused</i> )
Speaker Rafael S. Demapan	yes
Representative Joseph Lee Pan T. Guerrero	yes
Representative Glenn L. Maratita	yes
Representative Felicidad T. Ogumoro	yes
Representative Edwin K. Propst	yes
Representative Antonio P. Sablan	yes
Representative John Paul P. Sablan	yes
Representative Vinson F. Sablan	yes
Representative Francis S. Taimanao	absent ( <i>excused</i> )
Representative Ramon A. Tebuteb	yes
Representative Edmund Joseph S. Villagomez	yes
Representative Ralph N. Yumul	absent ( <i>excused</i> )

House Clerk Linda B. Muña: Mr. Speaker, all 17 members present voted “yes.”

Speaker Rafael S. Demapan: Thank you, Clerk. With all 17 voting “yes,” House Bill 19-32 passes the House. I guess that takes care of our Bill Calendar. We will go ahead and move down to item XVII, which is the Miscellaneous Business. Recognize the Vice Speaker.

**MISCELLANEOUS BUSINESS**

Vice Speaker Joseph P. Deleon Guerrero: Thank you, Mr. Speaker. The issue of the human remains have been brought up on different occasions. Last session when Representative Sablan raised the issue we did discuss it. I made an attempt to clarify the issue what the status of the remains were and we even went as far as going to the Best Sunshine curation facility to view the artifacts and the remains that were there. So this issue really involves two parts as I explained earlier. The second part, which is the burials recovered under the Best Sunshine project I do not

think it is being questioned right now it is already – it is still under – Best Sunshine is the permittee they are still in the process of complying with the HPO's requirements so that is not an issue, but the issue that Ms. Liana Sablan Hofschneider raised is something that I thought I had also addressed, not only during that session, but subsequently in an article with the reporters where I pointed out that the remains the 260 remains that she refers to – first of all is not correct. There were out of the 260 remains I believe there was a 122 sets of human remains that were sent to the US to be analyzed by Dr. Douglas Hanson a physical anthropologist. Those were sent to the US and yes it was under my authority, I was the HPO at the time and yes I did it because under our laws we do not just remove the remains for the sake of removing it. The trade of for allowing those remains to be disturbed is to get data from them and under the process they would analyze them and what data is retrieved would be reported out in an archeological report. I want to report for the record Mr. Speaker and members, I had clearly explained that I was informed by the Historic Preservation Office that those remains have been subsequently have been returned back to the Commonwealth, back to the contractor which is the archeological contractor who then turned it over to the museum. So I want to clarify for the record because some people just cannot seem to get their facts straight. Those remains that were sent out for analysis were returned. The funding to pay for the shipping and handling and so forth was paid for by the Department of Community and Cultural Affairs and it has been with the museum since then. Now what would happen to those remain, I have also reported out that the HPO and Best Sunshine will be holding a public hearing on this month I think February 23<sup>rd</sup> to get public input on the decision of those remains whether they are going to be reentered back at the site or in another location, but I just thought I clarify that for the record Mr. Speaker so that these accusations and allegations are – I sincerely hope that these individuals would check with the appropriate authorities before coming up with allegations that are not either untrue or maybe misrepresented. Thank you and if there are any questions please contact the HPO or the archeologist they are swift and Harper Archeological Research Services or SHAR for short who can explain what happened with those remains. Thank you.

Speaker Rafael S. Demapan: Thank you, Speaker well said and well clarified. Recognize Representative Roman Benavente.

Representative Roman C. Benavente: Thank you, Mr. Speaker. I kind of like this session today because we kind of more or less entertain what we are suppose to do and at least you impose a decision to what we are going to do with this issue. I look at the number of bills that we have as scheduled in all normal circumstance, we usually have like maybe five, ten bills hustling ourselves to try to work our debates and pass it. Today we only pass one bill. I really get disturbed by this kind of issues with regards to the committees that a lot of the bills are still sitting on committees are not even moving around. I do not what is the problem Mr. Speaker. In light of that the bill that Representative Sablan just introduced last week and it was mentioned today, basically the same bill was referred into the committee since about six months ago that I introduced, unfortunately the committee never entertained it and then that one arises. So humbly discussing with Mr. Sablan he humbly ask me that if we can figure out a way to merge the bill and I told him I said, "I do not have a problem with that." That is not my point, my point is that if it comes to your respective committee, please Mr. Speaker, you are the due Chairman of this floor so please ask everyone to due diligence because a lot of our bills are sitting. Not only sitting here, but even in the Senate – the Senate Communications bills and the Senate are complaining

about their bills too. So Mr. Speaker that is all I want to mention in this miscellaneous. Thank you.

Speaker Rafael S. Demapan: Thank you, Chair. I am glad that you used the word “due diligence” and that is exactly what the respective chairs are doing. They want to make sure that all positions and opinions and from other agencies are considered and reviewed for the committee. However, I would like to ask you as the author of such legislation to continue communicating with the respective chairs so that we would have a product to the extent if you could assist the committee so that way your bill can be addressed sooner rather than later. Any other member who wishes to comment? If none, we will go ahead and move down to announcement. Recognize the Vice Speaker.

### ANNOUNCEMENTS

Vice Speaker Joseph P. Deleon Guerrero: Thank you, Mr. Speaker. With regards to the Mariana Islands Legislative Association (MILA) the Senators from Guam has asked that we try to set a date for the MILA conference. The Speaker has appointed myself for the point of contact for the House and I believe the Senate President has appointed Senator Jude Hofschneider as the point of contact for the Senate and I have asked the Speaker first if he can set a date for this House to meet to discuss what issues we would like to put forth for the MILA conference and then after this House discusses that then we meet our counterparts in the Senate also to get their input so that we have the CNMI Legislature will have topics to inform the Guam Legislature. Mr. Speaker, do you have the dates? Can you maybe inform the members? I know you are going to be sending out a notice, but just so that members can start thinking about topics that would affect the CNMI so that we can discuss with our counterparts on Guam. Thank you, Mr. Speaker.

Speaker Rafael S. Demapan: Thank you, Vice Speaker. Any other member before I make a couple of announcement. If none, let me go ahead and reiterate a little bit on what the Vice Speaker has said. On February 11, I would ask the members that there would be a meeting just the House and that day discussion as to what kind of subject topics to be discussed for our MILA conference. On February 17 there is a joint meeting with the Senate for both the House and the Senate will get together and finalize the topic for the upcoming conference. Go ahead Vice.

Vice Speaker Joseph P. Deleon Guerrero: Just to clarify the date for the House, Mr. Speaker, I have February 9<sup>th</sup> Tuesday next week. I just wanted to clarify if it is the 9<sup>th</sup> or 11<sup>th</sup>. The Senate will be on the 17<sup>th</sup> I believe at 1:30. Just to confirm.

Speaker Rafael S. Demapan: Thank you, Vice. And thank you for the clarification. Again, I apologize on February 9<sup>th</sup> there will be a meeting with the members and on the 17<sup>th</sup> a joint meeting with the Senate. On February 9<sup>th</sup> at 1:30 in the afternoon and on the February 17<sup>th</sup> 1:30 in the afternoon with the Senate. In addition to that we may be having a session on Tinian on February 19<sup>th</sup> so I thought I announce that so you guys can get ready. If there is then it would be on February 19<sup>th</sup> on Tinian. Any other announcement? In addition to this I am also sending a letter to the Secretary of Labor. I will inform you guys on the date. The purpose of that letter to the Secretary of Labor is for us to meet with the Secretary and give us an update on the status on the CW and the usage of those funds that has been allocated to the Department of Labor. So I will give out a date on that. It is important that we show up and discuss issues with Secretary of

Labor. As you know, CW is an issue affecting the Commonwealth. Now recognize the Floor Leader.

Floor Leader George N. Camacho: Thank you, Mr. Speaker. Not an announcement, but the Natibu Sports Association recently held our t-ball family fun day and I just want to thank you colleagues for your time and your donation it was a successful event. Thank you very much for that.

Speaker Rafael S. Demapan: Thank you, Floor. I now recognize the Floor for adjournment.

### **ADJOURNMENT**

Floor Leader George N. Camacho: Thank you, Mr. Speaker. I would like to make a 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 3:32 p.m.*

Respectfully submitted,

Venetia S. Rosario  
House Journal Clerk

### **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. 19-47: To re-name the Beach Road Pathway, the “Governor Froilan C. Tenorio Beach Road Pathway”; and for other purposes. Introduced by REP. RAFAEL S. DEMAPAN of Saipan, Precinct 2 (*for himself*, Representatives George N. Camacho, Joseph P. Deleon Guerrero, Lorenzo I. Deleon Guerrero, Angel A. Demapan, Joseph Lee Pan T. Guerrero, Felicidad T. Ogumoro, Edwin K. Propst, Antonio P. Sablan, John Paul P. Sablan, Vinson F. Sablan, and Frances S. Taimanao) on January 26, 2016.

**THIRD LEGISLATIVE DAY:** NONE

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*Appearance of Measures introduced on the House Floor during the House Session  
1/26/16:*

H. B. NO. 19-123: To amend 4 CMC §2201(c) to remove on-premises food and beverage consumption from the definition of “Master Concession” to allow for the Commonwealth Ports Authority to issue a Request-For-Proposal and choose the appropriate food vendor for the port of entries; and for other purposes. Introduced by REP. JOSEPH LEE PAN T. GUERRERO of Saipan, Precinct 1 (*for himself*) on January 26, 2016 and was referred to the Committee on Commerce and Tourism.

H. B. NO. 19-124: To provide legislative oversight over public land leases by limiting the Department of Public Lands' scope of authority relative to parcel size. Introduced by REP. ANTONIO P. SABLAN of Saipan, Precinct 1 (*for himself*) on January 26, 2016 and was referred to the Committee on Natural Resources.

H. B. NO. 19-125: To establish separate application requirements, fees, and penalties for car rental vehicles; and for other purposes. Introduced by REP. VINSON F. SABLAN of Saipan, Precinct 4, (*for himself*, Representatives Blas Jonathan "BJ" T. Attao, Roman C. Benavente, Lorenzo I. Deleon Guerrero, Edwin K. Propst, Ramon A. Tebuteb, Edmund S. Villagomez, and Ralph N. Yumul) on January 26, 2016 and was referred to the Committee on Commerce and Tourism.

H. B. NO. 19-126: To amend 1 CMC §3405 regarding the Judicial Building Fund; and for other purposes. Introduced by REP. ANTONIO P. SABLAN of Saipan, Precinct 1 (*for himself*, Representatives George N. Camacho, Joseph P. Deleon Guerrero, Lorenzo I. Deleon Guerrero, Glenn L. Maratita, Felicidad T. Ogumoro, and Edmund S. Villagomez) on January 26, 2016 and was referred to the Committee on Ways and Means.

H. B. NO. 19-127: To establish the Northern Marianas Cultural Center, a governmental Corporation, which shall be under the management and control of the Resident Representative for Indigenous Affairs, who is, and shall be responsible for the planning, development, establishment, operation, management and control of the Northern Marianas Cultural Center pursuant to this Act. Introduced by REP. FELICIDAD T. OGUMORO of Saipan, Precinct 3 (*for herself*, Representatives Anthony T. Benavente, George N. Camacho, Joseph P. Deleon Guerrero, Joseph Lee Pan T. Guerrero, Glenn L. Maratita, Antonio P. Sablan, John Paul P. Sablan, Francis S. Taimanao, and Ralph N. Yumul) on January 26, 2016 and was referred to the Committee on Health, Education and Welfare and to the Committee on Ways and Means.

H. B. NO. 19-128: To amend Public Law 18-56 to permit persons under the age of 21 to transit through casino gaming areas; and for other purposes. Introduced by REP. RAFAEL S. DEMAPAN of Saipan, Precinct 2 (*for himself*) on January 26, 2016 and was referred to the Committee on Judiciary and Governmental Operations.

H. L. B. NO. 19-47: To re-name the Beach Road Pathway, the "Governor Froilan C. Tenorio Beach Road Pathway"; and for other purposes. Introduced by REP. RAFAEL S. DEMAPAN of Saipan, Precinct 2 (*for himself*, Representatives George N. Camacho, Joseph P. Deleon Guerrero, Lorenzo I. Deleon Guerrero, Angel A. Demapan, Joseph Lee Pan T. Guerrero, Felicidad T. Ogumoro, Edwin K. Propst, Antonio P. Sablan, John Paul P. Sablan, Vinson F. Sablan, and Frances S. Taimanao) on January 26, 2016.

C. RES. NO. 19-19: To extend our sincere condolences and sympathies to the family of the late Honorable Governor Eulogio (Eloy) S. Inos and to acknowledge his lifelong service and countless contributions to the people of the Commonwealth of the Northern Mariana Islands. Introduced by REP. ANGEL A. DEMAPAN of Saipan, Precinct 1 (*for himself*, and the Committee of the whole House) on January 26, 2016 and was placed on the Resolution Calendar.

C. RES. NO. 19-20: To congratulate the Marianas Chapter of the Pacific Century Fellows Program on the occasion of the graduation of the 2015 class and to recognize and commend the inaugural 2014 class and the 2015 class of the Pacific Century Fellows for their exemplary community service in response to Typhoon Souledor. Introduced by REP. RAFAEL S. DEMAPAN of Saipan, Precinct 2 (*for himself*, Representatives Edwin P. Aldan, Blas Jonathan "BJ" T. Attao, George N. Camacho, Joseph P. Deleon Guerrero, Lorenzo I. Deleon Guerrero, Joseph Lee Pan T. Guerrero, Glenn L. Maratita, Felicidad T. Ogumoro, Antonio P. Sablan, John Paul P. Sablan, and Vinson F. Sablan) on January 26, 2016 and was placed on the Resolution Calendar.

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*House information on deadlines for override:*

GOV. COMM. 19-89: (12/7/15) Informing the House that he disapproved H. B. No. 19-37, HD2, SD1 (To transfer the Administration of the Government's Group Health and Life Insurance Programs to the Department of Finance, and to amend 1 CMC § 8364; and for other purposes.) [**Deadline 2/5/16**]

GOV. COMM. 19-93: (12/4/15 received 12/7/15) Informing the House that he signed into law and line item vetoed in parts, H. B. 19-95, HD1, HS1, SS1 (Casino Act Amendment). Became **Public Law 19-24, item vetoed [Deadline 2/5/16]**

GOV. COMM. 19-104: (1/6/16) Informing the House that he signed into law and line item vetoed in parts, H. L. B. 19- 37, D7 (To appropriate \$4,272,000.00 from revenues to be collected pursuant to Saipan Local Law 11-2 as amended anticipated being collected for fiscal year 2016; and for other purposes.). Became **Saipan Local Law 19-11, item vetoed [Deadline 3/6/16]**