



## House Journal

### SECOND REGULAR SESSION, 2002

Fifth Day

October 3, 2002

The House of Representatives of the Thirteenth Northern Marianas Commonwealth Legislature convened in its Fifth Day, Second Regular Session, on Wednesday, October 3, 2002, at 9:58 a.m., in the House Chamber, Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Heinz S. Hofschneider, Speaker of the House, presided.

A moment of silence was observed.

In accordance with Rule XIII, § 2(a), sixteen members were recorded present.

Speaker Hofschneider: Representative Herman Palacios is still on medical leave and Representative Norman Palacios is still under suspension. We have a quorum. Because we have some guests this morning, we will go into a short recess for a presentation ceremony. Is there any objection?

There was no objection, and the House recessed at 10:01 a.m.

#### RECESS

The House reconvened at 10:15 a.m.

#### ADOPTION OF JOURNALS

None

Speaker Hofschneider: We're back to our session. Before we proceed with today's agenda, if there's no objection on the floor, I would like to move down to Item 7, House Communications and I ask the Vice Speaker to please rise.

There was no objection, and the House went down to House Communications.

#### HOUSE COMMUNICATIONS

HSE. COMM. 13-24 – October 1, 2002 – Representative Aldan's trip report for the period of September 19-20, 2002.

Vice Speaker Tenorio: We're under House Communications, Item 7 on the Agenda and I recognize Representative Hofschneider.

Speaker Hofschneider: Thank you. In today's Marianas Variety you'll find a copy for all the members for the record. I submit as record in the Legislature in the House of Representatives a copy of that article that appeared in today's paper written by Juan I. Tenorio, Director of Personnel relative to the Public Law 13-1 fiasco. I want to put a stop to this. I want to say something to the Governor, himself, and to the Lieutenant

Governor, himself, and put a stop to this nonsense. Nobody knows clearly and with absolute memory what transpired in the passage and enactment of Public Law 13-1 than you – the members of the House. Unfortunately, I was out of the Commonwealth when S. B. NO. 13-15 (Public Law 13-1) was passed by both the Senate and the House. But as the Speaker of the House, I need to put a stop to this nonsense. This is very immature for this government and should not be tolerated. People have had enough of b.s. You all know how Public Law 13-1 came to be. It started out in the Senate. A legislation from the Administration was given to the Senate. Lieutenant Governor Diego Benavente lobbied heavily during that day. He convinced the Senate to pass S. B. NO. 13-15 (Public Law 13-1); at the same time, lobbied heavily with you members of the House on the same day. You all know that I was returning at 2:30 in the afternoon. The House session was pushed up to 11:00 a.m. So let's clear whose legislation it is. It is the Administration's legislation. Yes, the Legislature is partly to be blamed. Wherever it came from, from the outside or from within the Legislature, no legislation will come out of the Legislature and become law without both houses acting on it. Whether it's the product or the action of the House independent of the Senate, it's irrelevant. We acted on it, we take responsibility. When a legislation passes by both houses, it goes to the Governor for consideration. So this is the only dance that requires three steps, three parties to dance to the music -- the House, the Senate and the Executive Branch -- then it becomes law. These back and forth accusations are a classic example of the entire Republican behaving extremely immature. So what if the legislation was introduced in the Senate and the House blessed it and it went to the Governor and signed into law? So what? If someone told you to put a gun on your head and pull the trigger, are you going to say he made me do it? If someone asked you to jump off a cliff and you do, you're going to say he made me do it? What is required in public service is, yes, to follow the law but more importantly is to use common sense. Common sense. If the law tips to one side and is injurious, potentially injurious to a good number of public or government employees then use common sense and raise the issue before implementing and enforcing it. There's a defect here in the Legislature. But you know why I'm saying the Republican is exhibiting immaturity? When you all met in here with the Lieutenant Governor and the legal counsel from the Administration, they admitted and you all the asked the question -- that legislation is in defective. You all understood that it was defective. But because it is incumbent of the Legislature to work with the Administration, you nonetheless gave the benefit of the doubt to the Administration and you convened and acted on that Senate Bill and passed it. Blind faith and blind trust. In your heart you were not satisfied because you read it and there was a defect. There is still a defect and as a result, the Governor immediately agreed when I came back to send his people over. In this chamber, Civil Service Commission was represented, the Governor's legal counsel was present, the Lieutenant Governor's legal counsel was present, OPM was present, the Attorney General was present, the House was represented and H. B. NO. 13-126 is a product of both parties to mitigate the issues relating to Public Law 13-1. Both the House and Senate passed it. I sent it over yesterday, it's sitting on top of the Governor's desk. Let me bring you back to his message to the Legislature. On February 13, when he signed S. B. NO. 13-15 into Public Law 13-1, the Governor, himself, on the second paragraph started off by saying, "the passage of this bill actually permits us to appoint *only a few positions.*" (emphasis added) He further said, "The passage of this bill is really about management." And then he said, "...to allow them to employ senior managerial staff and positions within the Governor's Office." That's the intent. All other positions within the government remain unchanged from their status under Public Law 11-41, which is the previous fiscal year's continuing resolution appropriation. What's more revealing of the Administration, the Governor, himself, "However, while it is clear that the Legislature and the Administration did not intend enactment of this bill to expand excepted service..." – meaning, the Governor has no intention of hiring more people under excepted service. The Governor also intended not to reconvert those that have been converted prior to Public Law 13-1 by Public Law 12-54. So whoever admitted or permitted the execution and usage of Public Law 13-1 to force those people from being civil service personnel and converted out to excepted service is a dereliction of their responsibility inconsistent with the intention of the law and the Governor himself. The Governor specifically said everyone stays. In the last sentence of the second to the last paragraph, "Therefore, the Lieutenant Governor and I have directed the Office of Personnel Management to stay conversion of any position from civil service to excepted or exempted position status." How much clarity do you want? The Governor in his message in signing Public Law 13-1 have told Office of Personnel Management do not do anything with those civil service positions, do not revert them to exempted positions. I believe it's three hundred dollars to do a half page on Marianas Variety or in all the papers, or maybe it's

free. It's an editorial so it's potentially free. Having said that, having history stated out, now you parallel that with this misinformation. Name-callings and accusations will never cease until we put a stop to it. What I want to say now is directed to the Governor and the Lieutenant Governor. *Yanggen i intension miyu nai na dos Governor yan Lieutenant Governor para en distrosa i Republican, pues konsigi seño, sa' dinanche bidan mimiya na dos – yanggen intension miyu para en distrosa i Republican. Dinanche. Este na guma yan los kuantos gi Senate para u fan ma bota next year man Republican. Mismo cabinet administrasion Republican yumayamak membrun i San Papa na Guma' na Republican sa' ti ha komprende hafa malagoña i Gubetno ni Public Law 13-1. Public Law 13-1 parehu yan komparasion bastatdu na patgon na ni uno malagu tumogi ya u sangan magahit hayi i tata, hayi i prufektu tata. Man patlilino nos kuantos ni este na bastatdu na patgon i Public Law 13-1. Ni manu na guma este Public Law 13-1 na patgon ha faposgue, ti ma agradesi. Kada humalom gi un depattamento man luhan i taotao-guma' gi depattamento sa hayi para hu malakngos guihe na guma' from civil service to exempted service. Pues bineno este na bastatdu na patgon i Public Law 13-1 sa katda ha faposgue un depattamento ha na' fan ma-a'ña o taotao-guma'. Katda tumalak halom gi petan depattamento masangani na litira hao, ti en agradesi hao lao man patlilino nos kuantos gi cabinet ni este na patgon i Public Law 13-1. I prufektu tata i kapitan, i kapitilon Marianas, i Gubetno yan i Lieutenant Governor parentela i Public Law 13-1. Man manatpañge hit guine gi Legislature, i House yan i Senate man manatpange. Pues i kutura-ta ha fana'gue hit na komu pumatlino hao ya matai i nana yan i tata enkatgu hao ni matlina yan patlino sa' hagu muna' kilisyanu. Tisiña un nega risponsibilidad-mu komu matlina pat patlino sa' hagu muna' kilisyanu. Membrus bai hu sangani i Gubetno pago, on record, basta este na huegu i un yo'ti un taotao-mu para hu songgi i guafi, bira birada para un huyong ya un ma li'e na hagu pumunu i guafi. Lao esta man kimason i membrun i San Papa na Guma'. Entre mas un tuka, entre mas un chonnik etyo siha na asunto i para un pacha three hundred na man inosente ... ti top level management man ma kattayi, puru san papa na indibiyuat. Sa yanggen directot san hilo nai man tineteka, ta komprende na consistent yan hafa pinetlota anai ta bota. Lao, afañetlos, kontodu janitor ma kattayi. Dalai na inimpottante enao na position i janitor yan i receptionist, dalai na inimpottante para un bokbuk gi position civil service ya para un na' exempted service. Sa' pot hafa na rason? Guaha etyo gi fino' Americano nai human decency. Debi di ta fan desente umusa hafa na intension yan i korason nai kontra i taotao sa' todú hit man gai famaguon, man gai obligasion. Mungga man atan pot kulot patidaña. Ya Governor todú i aksion-mu ni este siha humahanao para u fan flores, uno na ni hagu ni este na guma siña kumatga paoña. Guaha na flores sen paopao. Etyo i putti tai nobio, an malofan hao gi chatatmak nai, gof mannge lao unratutu ha malayo. Guaha na flores taya paoña lao guaha na un simana malak na flores ya ti hu malayo. Este na asunto nai Governor i un chocho'gue gof libiano un na' para, gof libiano un sangani na ti enao mensahi-hu guatu gi Lehislatura, ti enao kontratan i Lieutenant Governor anai mu lobby guine na guma para hu ma pasa i Public Law 13-1. Afañetlos bunito este na hemplo para huyongña guine gi mamaila na ileksion. Mañachalek i publiko nu hita, mañachalek i otrú pattida sa pago ni ma li'e i fotsodo manu ni siña ma tomba fotsodu i Republican. Lao este i mamaila na eleksion, Governor, ta na'e hao agradesimento sa un yammak i pattidan Republican. Tres sientos un na fan puti, un na fan pili'ao, un na fan iridao konsensian-niha. I taotao anai ma na'e ni etyo na katta maseha ti mafai'a lao gigon ha risibi etyo ya ha atan i famagu'on-ña nai, afanetlos, kao agupa hu sotda i chechoña tatte. Un na' puti esta konsensian-ña yan korason-ña, ya para ta fan matto next year ya ta fan mangagao botu komu man Republican hit? Sinangani hao na etyo gue' huyong i chalan fedda', litira hao. Ta na' para este. Hu gagagao i Gubetno yan i Lieutenant Governor – na' para este siha na aksion. Na' para sa' yanggen ti pumara angoku na guahu mismo bai tutuhon chumo'gue' hafa ginagagao guine gi San Papa na Guma. Ti bai hu sedi un taotao para hu pacha uno na membrun i House. Gi anai mames karenio-mu halom guine ya mamaisen hao ayudu para u ma bota i Public Law 13-1, un usa i rason na man parehu hit man Republican, man parehu hit halom man ma pega nui taotao. Mismo tiempo un bira hao ya un laimi i mismo mu na'e hao ni ayudu. Hayi dakon? I San Papa na Guma', pat i San Hilo na Guma'? Hagu, Governor, tumuge' este na katta anai un fitma i Public Law 13-1 ya un sangani hafa na klaru intension-mu. Ni uno gi San Papa na Guma' yan i San Hilo na Guma' mandagi. Pues hagu hu akukusa na hagu mandagi sa' tisiña un control taotao-mu sikos-niha. Hu gagagao hamyo membru na mungnga ma oppe tatte este. Sotta ya sigi ha' u kuentos, sotta ya sigi ha' u fan akusa, sotta ya sigi ha' u tramposu sa i guaka yanggen un na' anako tali-ña nai ha traba gue'. Nubiyo este na aksion, na' para. Ya hu gagagao hamyo katda uno gi membru basta ma oppe tatte este na asunto sa' taya nilachen-miyo guine, ya tampoku i Senate taya nilachen-miyo. En baba korason-miyo, en baba chamber-*

*miyo para en ayuda i Administrasion. Hayi mu laimi hamyo? Ti en laimin maisa hamyo. Siha man mandagi ya ma tutuhon enao i huegon laimi anai ha kattayi tres sientos epiku na taotao. Yanggen fiet yan dinanche tinaitai-niha ni lai yan i opinion i Attorney General, hafa na un recall yanggen fiet hao na dinanche hao na etyo gue' para un cho'gue, hafa na un gagao todú tatte i katta? Tampoku etyo i mama disision ti fiet i kinemprenden-ña ni lai, ha daggen maisa gue'. Na para este siha na babarias sa' bonito este para hita ni Republican. Gosa hamyo na sakan yan otro sakan sa' tatkilo-ña na hoksu i Republican ni para u fan malagu gi mamaila na eleksion para u faposgue' ki i Mount Tapochao gi halom gatdon. Si Yu'us Ma'ase.*

**Floor Leader Attao:** *Mr. Speaker, guaha buente malefa-mu ya ilek-hu na prisisu na un mensiona lokkue pago. Esta i Senate ha pasa i H. B. NO. 13-126. Hafa na message siña un na'e i Gubetno lago yanggen siña etyo na aktu ha arekglá i prubleman Public Law 13-1? Hafa na klasen mensahe para un na'i i Governor osino i Lieutenant Governor?*

**Speaker Hofschneider:** *Oh, i Acting Governor. Hu fitma sa todo man patte guine gi H. B. NO. 13-126 anai para u ma arekla este i problema.*

**Floor Leader Attao:** *Lao annok gi halom i H. B. NO. 13-126 nai, Mr. Speaker, na etyo gue' na akto un mensiona na man involve siha i representative ginen i Administration, i Civil Service Commission. Ma address todo i concern pot i prubleman Public Law 13-1 etyo gue' malago-hu para un sangani i Gubetno na yanggen malago hao magahit para un arekla i Public Law 13-1 pues fitma i H. B. NO. 13-126 ya ta na' para este na klasen problema. Malago yo', Mr. Speaker, ya hu rekomenda halom na maila ya ta dimanda i Gubetno ya u fitma etyo yanggen malago para u ma satba i Public Law 13-1, pues ilek-hu na i House u demanda i Governor or i Lieutenant Governor na u fitma etyo na akto yanggen man sinsero ni para u ma akaha este na problema.*

**Speaker Hofschneider:** *Dos ti guinayan-ña gi etyo i H. B. NO. 13-126 disti tutuhon. Ma atmiti na gai minakat osino ti siña ma cho'gue'. Uno i Constitution ti siña un apatta i Office of Personnel Management ya un chule' guatu gi papa i Gubetno. Klaru si former legislator Jess Mafnas ... guiya dumiskute enao gi Second Constitutional Convention. Ya yanggen guaha tiempon miyo ya en chile' etyo na discussion i committee discussion i Second Constitutional Convention ya en taitai hafa ilekña si Mafnas, i intension-na u ma apatta mungga ma na dañá' yan i papa i Gubetno sa pot para mungga i politika. Enague si difuntu Mafnas klaru, enague muna' ma pega after i Second Constitutional Convention i Civil Service Commission yan i Office of Personnel Management. Pues malagu hit para ta ayuda i Gubetno ... hafa hit para ta chogue?' Tisiña ha' ta chogue nichuka man malagu hit i para ta deroga i Constitution solu estaki ta amenda i Constitution ya ta na' klaru guatu gi papa i Gubetno. Segundo malagu-niha na todú siña man ma patcha disti i direktot, hulo ya i H. B. NO. 13-126 ha protehi disti i direktot papa. Pues enao gue dos na patte na buente nina' chachat-hinagong i disision ni para u ma fitma i H. B. NO. 13-126. Lao este i gubetnamento no yanggen kontrata komu yori anai an otson hao, humano hao mamahan nuevo pat tiya-mu kolotña un tulaika yori-mu. Ti taiguenao este gubetnamento. Guaha etyo ma fanana'an nai i institutional memory, institutional history pues yanggen kada birada nuevo yori-mu nai buente nichuka asagua-mu sispichosu nai. Ai, hon, hafa dai na agaga ta'lo yori-mu? Esta tisiña ta tungo manu na potta pat bintana ni gaige hao sa un confufuse yo' lokkue sa agaga pa'go agupa asut. Humuyong sispichosu nai teniki asagua-mu. Parehu ha yan taotao yanggen sesso ta tulaika i direktot, man confufuse sa pa'go na direktot ilek-ña ahe taigueni i policy, fitma fine'nina i application ya un na' halom. Agupa un tulaika i direktot ta'lo ya ilek-ña ahe na halom ha' ya po'lu ya esta later on ni un ffitma. Taya institutional memory nai ma emplace. Parehu ha yan yori. Si Yu'us Ma'ase.*

**Vice Speaker Tenorio:** Recess for five minutes.

The House recessed at 10:47 a.m.

**RECESS**

The House reconvened at 11:13 a.m.

Speaker Hofschneider: We're back to our session and we move back to Item 3, Prefiled and Introduction of Bills.

Floor Leader Attao: Mr. Speaker, there's still one House Communication.

Speaker Hofschneider: There's only one under Prefiled and Introduction of Bills, so we just go down the agenda.

The House went back to Prefiled and Introduction of Bills.

### **PREFILED AND INTRODUCTION OF BILLS**

H. B. NO. 13-201: A Bill for an Act to authorize the Department of Finance to establish a surcharge fee on local exchange telephone service and wireless service to fund a CNMI wide "911" Emergency System; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero and one other  
Referred to: Committee on Ways and Means

H. B. NO. 13-202: A Bill for an Act to amend 4 CMC § 1402(a)(16) through (20); and for other purposes.

Offered by: Rep. Gloria DLC. Cabrera and three others  
Referred to: Committee on Ways and Means

H. B. NO. 13-203: A Bill for an Act to re-appropriate fund balance from Public Law 11-43 (Business Unit No. 4595) for Dandan Youth Center, Southern High School, Dandan Elementary School, and Chacha Junior High School for purchase of collateral equipments; and for other purposes.

Offered by: Rep. Manuel A. Tenorio and four others  
Referred to: Committee on Ways and Means

Rep. Ada: Mr. Speaker, earlier I introduced a similar bill, but I forgot the number of the bill. I'm pretty sure it was referred to the Committee on Ways and Means, this is one is actually to rectify it.

Speaker Hofschneider: Go ahead and introduce it.

H. B. NO. 13-204: A Bill for an Act to re-appropriate fund balances from Public Laws 10-15, 10-38, 11-67, 11-79, 11-120 and 12-73 for various road projects within Precinct I; and for other purposes.

Offered by: Rep. Martin B. Ada and four others

The Chair recognized Representative Cabrera.

Rep. Cabrera: For the record, Mr. Speaker, I just want to make sure Precinct IV fund balance is not included.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, I want to assure the Congresswoman that I cleaned it up real good and we took out the portion that deals with the Precinct IV appropriation. Thank you.

Rep. Cabrera: Thank you.

Speaker Hofschneider: Any more introduction of bills?

Rep. Ada: I unintentionally included Precinct IV's fund balance. This rectifies that and returns the ...

Speaker Hofschneider: Unintentionally?

Rep. Ada: Yes.

Speaker Hofschneider: Thank you, Representative Ada. Any other introduction of bills?

### **PREFILED AND INTRODUCTION OF RESOLUTIONS**

H. R. NO. 13-081: A House Resolution to strongly urge the Marianas Public Lands Authority Board of Directors to transfer clear title of 61,000 square meters of public land located between the Kaiser Cement and the US Army Reserve facility to the Commonwealth Ports Authority.

Offered by: Rep. Arnold I. Palacios twelve others  
Referred to: Committee on Natural Resources

H. J. R. NO. 13-015: A House Joint Resolution to express grave disappointment over the Director of Personnel's statement on Public Law 13-1.

Offered by: Rep. Stanley T. Torres and fourteen others

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: Mr. Speaker, if I may with the majority's consent I'd like to request that H. J. R. NO. 13-015 be placed on today's calendar for action.

There was no objection.

Speaker Hofschneider: So ordered.

Rep. S. Torres: Thank you.

Speaker Hofschneider: Any more? None. Senate Communications.

### **SENATE COMMUNICATIONS**

SEN. COMM. 13-91: Transmittal of S. B. NO. 13-96, SD1, entitled, "A Bill for an Act to amend the Northern Marianas Retirement Fund Act of 1988 to allow 'Excepted Service' and 'Contract' employees categorized as 'Class I members' prior to May 7, 1989 or categorized as 'Class I members' on or after the date of the enactment of this legislation to elect to become 'Class II members' subject to the restrictions set forth herein; and for other purposes," which the Senate passed on September 12, 2002.

SEN. COMM. 13-92: Transmittal of S. B. NO. 13-97, SD1, entitled, "A Bill for an Act to establish a Department of Public Safety Operating Fund by allocating twenty five percent (25%) of all criminal and civil fines and all revenues collected by the courts of the Commonwealth pursuant to 1 CMC § 3403 or fines or fess collected pursuant to any other law and remitted or paid to the Commonwealth Treasury pursuant to 7

CMC § 3205 and 7 CMC § 3251 to the Department of Public Safety Operating Fund,” which the Senate passed on September 12, 2002.

SEN. COMM. 13-93: Transmittal of S. B. NO. 13-98, SD1, entitled, “A Bill for an Act to regulate road side commerce; and for other purposes,” which the Senate passed on September 12, 2002.

SEN. COMM. 13-94: Transmittal of S. B. NO. 13-100, entitled, “A Bill for an Act to amend 1 CMC §2641(a), to require the appointment of one member each from the First and Second Senatorial District to the Medical Profession Licensing Board; and for other purposes,” which the Senate passed on September 12, 2002.

SEN. COMM. 13-95: Transmittal of S. B. NO. 13-101, entitled, “A Bill for an Act to amend the exemptions to the Compensation Adjustment Act to provide that medical doctors when serving as the Secretary of Public Health or resident department heads of local Departments of Public Health may elect to receive salaries currently received as medical doctors as opposed to that salary assigned by law for Public Health Secretaries and Resident Heads; and for other purposes,” which the Senate passed on September 12, 2002.

SEN. COMM. 13-96: Transmitting the following:

(1) S. J. R. NO. 13-9, entitled, “A Senate Joint Resolution requesting the Office of the Public Auditor to investigate immediately the facts and circumstances surrounding the recent, simultaneous termination of 11 employees of the Northern Marianas College, some of whom held managerial positions and had been with the college for more than 10 years, by conducting personal interviews with the 11 employees and, as deemed necessary, past and present members of the Board of Regents, college administrators, staff, faculty, and students, and other means by which to determine that the terminations were warranted and not properly motivated,” which the Senate adopted on September 27, 2002.

(2) S. B. NO. 13-83, entitled, “A Bill for an Act to amend the Commonwealth state funeral statute; and for other purposes,” which the Senate passed on September 27, 2002.

Returning the following:

(3) H. B. NO. 13-106, SD1, re CDA-CUC Settlement Agreement, which the Senate passed with amendments on September 27, 2002.

(4) H. B. NO. 13-107, SD1, re CDA-CUC Settlement Agreement, which the Senate passed with amendments on September 27, 2002.

(5) H. B. NO. 13-131, SD1, re Salary Approval, which the Senate passed with amendments on September 27, 2002.

SEN. COMM. 13-97: Return on H. B. NO. 13-126, HS1, entitled, “A Bill for an Act to repeal Section 3 of PL 13-1 and 1 CMC § 8112; to repeal and re-enact 1 CMC §§ 2051,2052, 2101, 8131 and §§ 8121 through 8125; and for other purposes,” which the Senate passed on September 27, 2002.

SEN. COMM. 13-98: Transmittal of S. B. NO. 13-46, SD1, entitled, “A Bill for an Act to regulate the Commonwealth Utilities Corporation regarding utility costs for service connections, payment and repayment of security deposits,” which the Senate passed with amendments on September 27, 2002.

The Chair recognized the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of SEN. COMM. 13-98 reference to S. B. NO. 13-46, SD1.

The motion was seconded by Rep. Babauta.

SEN. COMM. 13-98: Transmittal of S. B. NO. 13-46, SD1, entitled, "A Bill for an Act to regulate the Commonwealth Utilities Corporation regarding utility costs for service connections, payment and repayment of security deposits," which the Senate passed with amendments on September 27, 2002.

Speaker Hofschneider: Motion for the acceptance of SEN. COMM. 13-98 reference to S. B. NO. 13-46, SD1 has been seconded. Any discussion on the acceptance?

Several members voiced, "ready."

There was no discussion; the motion to accept SEN. COMM. 13-98 was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, if there's no objection from the members, I would like to place SEN. COMM. 13-96, this reference to S. J. R. NO. 13-9 on today's calendar for action.

Rep. Babauta: Second. No objection.

Speaker Hofschneider: Motion for the placement of S. J. R. NO. 13-9 on today's calendar has been seconded. Discussion on the motion?

Rep. Babauta: Clarification, Mr. Speaker.

Speaker Hofschneider: State your clarification.

Rep. Babauta: SEN. COMM. 13-96 contains several items and ...

Speaker Hofschneider: Correct.

Rep. Babauta: Is it just S. J. R. NO. 13-9?

Speaker Hofschneider: Correct.

Floor Leader Attao: Mr. Speaker?

Rep. Babauta: So clarified. Thank you.

Speaker Hofschneider: Ready?

Floor Leader Attao voiced, "ready."

There was no further discussion, and the motion to place S. J. R. NO. 13-9 on the calendar was carried by voice vote.

Speaker Hofschneider: Motion carried. S. J. R. NO. 13-9 is hereby placed on the calendar. Floor Leader?

Floor Leader Attao: Mr. Speaker, on the same line item, if there's no objection, I move for the acceptance of Senate amendment on H. B. NO. 13-106, SD1 and H. B. NO. 13-107, SD1.

The motion was seconded.

H. B. NO. 13-106, SD1: TO EFFECTUATE THE TERMS OF THE ~~SETTLEMENT AGREEMENT~~ MEMORANDUM OF AGREEMENT BETWEEN THE COMMONWEALTH DEVELOPMENT



AUTHORITY AND THE COMMONWEALTH UTILITIES CORPORATION BY ~~AUTHORIZING THE AUTHORITY TO~~ REQUIRING THE COMMONWEALTH DEVELOPMENT AUTHORITY TO WAIVE \$16,068,750.00 OF THE PRINCIPAL OWED AND TO WAIVE CERTAIN LOAN AND SPECIFIED INTEREST PAYMENTS; AND FOR OTHER PURPOSES.

H. B. NO. 13-107, SD1: TO EFFECTUATE THE TERMS OF THE ~~SETTLEMENT AGREEMENT MEMORANDUM OF AGREEMENT~~ BETWEEN THE COMMONWEALTH DEVELOPMENT AUTHORITY AND THE COMMONWEALTH UTILITIES CORPORATION BY AUTHORIZING THE ~~CORPORATION~~ COMMONWEALTH UTILITIES CORPORATION TO ISSUE SHARES OF CUMULATIVE, NON-CONVERTIBLE, NON-TRANSFERABLE PREFERRED STOCK VALUED AT \$45,000,000.00 TO THE COMMONWEALTH DEVELOPMENT AUTHORITY AND TO PROVIDE FOR THE REPAYMENT OF DEBT USERS FEES FOR ELECTRICAL CONSUMPTION BY THE CNMI GOVERNMENT ACCORDING TO THE TERMS OF THE ~~SETTLEMENT AGREEMENT MEMORANDUM OF AGREEMENT~~; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the acceptance of Senate amendments relative to H. B. NO. 13-106, SD1 and H. B. NO. 13-107, SD1 reference to CDA/CUC Settlement agreement has been seconded. Discussion on the motion?

Several members voiced, "ready."

There was no discussion; and the motion to accept Senate amendments on H. B. NO. 13-106, SD1 and H. B. NO. 13-107, SD1 was carried by voice vote.

Speaker Hofschneider: Motion carried. Senate amendments to H. B. NO. 13-106, SD1 and H. B. NO. 13-107, SD1 are hereby accepted. Representative Torres?

Rep. S. Torres: Mr. Speaker, can we go back to Item 5, Messages from the Governor on our Agenda?

Rep. Babauta: No objection with expediency.

There being no objection; the House went back to Messages from the Governor.

### **MESSAGES FROM THE GOVERNOR**

GOV. COMM. 13-305 – September 1, 2002 – Certification of Salary in Excess of \$50,000.00 for Dr. Thomas G. Salopek.

The Chair recognized Representative Torres.

Rep. S. Torres: Mr. Speaker and members, I didn't know that we need a dermatologist at the Commonwealth Health Center for the salary of \$260,000.00. Can anyone of us explain what is dermatology and the need of a specialist in our hospital?

Speaker Hofschneider: Representative Torres, do we have a contract that states the amount?

Rep. S. Torres: In yesterday's session, the letter from the Governor requesting exemption for over the cap salary for Dr. Thomas Salopek authorizing a salary for \$260,000.00 per annum.

Speaker Hofschneider: Do we have any communication from Secretary of Public Health if that's an erroneous salary, or is that a factual number?

Rep. S. Torres: I don't know, Mr. Speaker, but I'm reading the Governor's letter signed by the Governor requesting exemption that's GOV. COMM. 13-305. It was passed to everybody on yesterday's session.

Speaker Hofschneider: A dermatologist is a physician dealing with skin problems and I don't think that's consistent with the priority of the Public Health in terms of comparing the needs to this community between a pathologist for instance or a orthopedic surgeon or the likes.

Rep. S. Torres: Are we in order to move to reject that letter from the Governor so that it would not be authorized?

Speaker Hofschneider: Under the law that requires a certification, there's is no force and effect on rejecting but we can send them a strong letter or resolution objecting to it, but I'd rather that the Chairman of the Committee on Ways and Means raise this with the Governor or the Secretary of Public Health and clarify if in fact the \$260,000.00 for a dermatologist is accurate. It may be just an error and if it is in fact then we'd like to hear the rationale between a dermatologist versus perhaps an orthopedic surgeon, emergency room physician, cardiologist or pathologist as we do need. Representative Cabrera?

Rep. Cabrera: Mr. Speaker, for the record, I did try to contact the Secretary of Public Health to clarify this issue, he has yet to return my call. I may be wrong but I do not believe that this contract is for a whole year. I think that there's practice that the Department of Public Health elects in recruiting physicians or specialists for that matter specifically on a locum tenen capacity because of the absence of the indemnifying physicians. Even if we have to hire them for a month specifically to provide short-term consultation, we have to recruit them or hire them as a regular employee of the Commonwealth so that they can have coverage or malpractice coverage. So I'm speculating perhaps that this is simply in line of that process and not so much to recruit someone to work here on a full time basis for the entire fiscal year.

Speaker Hofschneider: Chairman Benjamin Seman, do you have any information to that?

Rep. Seman: Mr. Speaker, through my experience with the hospital when we use to recruit for local physicians to provide temporary coverage for the hospital, Congresswoman Cabrera, is correct in saying that for a fee where the physician is going to be here two weeks or a whole month, for example the fee that the physician is requesting, the hospital would look at a annual salary and divide it into twelve months and that would equal to the fee that the physician is requesting to provide let's say for example dermatologist service for a whole month but definitely the hospital is not looking to hire a dermatologist for a year contract it's usually a locum tenen for short term because we do not have that many patients that requires that service.

The Chair recognized Representative Torres.

Rep. S. Torres: Mr. Speaker, if I understand correctly, then it would be more expensive to hire periodically for that amount rather than ... might as well hire him permanently to make use of his expertise.

Rep. Seman: Mr. Speaker, the physician is only hired twice a year. He would come here and provide one month of service every six months.

Speaker Hofschneider: And it's based on a \$260,000.00 base salary.

Rep. Seman: Yes.

Speaker Hofschneider: Any other comment on that? If not ... Representative Babauta.

Rep. Babauta: Thank you, Mr. Speaker. May I kindly also include a request if Chairman on the Committee on Ways and Means would be dealing with the issue, Mr. Speaker, to find out to what extent does this individual treat skin disorders or for that matter skin diseases. I'm very interested to find out what type of

skin disorders this dermatologist treats because there are several skin disorders that occur on a human body. So I'm pretty much interested.

The Chair recognized Representative Torres.

Rep. S. Torres: I will do that. Thank you.

Rep. Babauta: Thank you.

Speaker Hofschneider: We'll go back to Senate Communications and I recognize the Floor Leader.

The House went back to Senate Communications.

### SENATE COMMUNICATIONS

Floor Leader Attao: Ready in the Senate Communications, Mr. Speaker.

Speaker Hofschneider: Motion for rejection on H. B. NO. 13-131, SD1, Salary Approval. Floor Leader?

Floor Leader Attao: Hold on a second.

Speaker Hofschneider: Can we get a motion, Floor Leader, under ...

Floor Leader Attao: Yes. Thank you, Mr. Speaker. Mr. Speaker, I move that we reject Senate amendment on H. B. NO. 13-131, SD1.

The motion was seconded.

H. B. NO. 13-131, SD1: TO APPROVE THE SALARIES OF EXECUTIVE BRANCH EMPLOYEES EXCEEDING THE SALARY CEILINGS PRIOR TO THE EFFECTIVE DATE OF THIS ACT, TO EXTEND SUCH APPROVAL AFTER THE EFFECTIVE DATE OF THIS ACT ONLY AS TO ANY UNEXPIRED TERM OF THE AFFECTED EMPLOYMENT CONTRACTS OR THE RENEWAL OF SUCH CONTRACTS IN WHICH THE SALARY EXCEEDS THE ESTABLISHED SALARY CEILING APPLICABLE THERETO AND WHICH TOOK EFFECT ON OR BEFORE JANUARY 13, 2002; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the rejection of Senate amendment on H. B. NO. 13-131, SD1, Salary Approval has been seconded. Discussion on the motion?

Rep. Babauta voiced, "ready."

Speaker Hofschneider: Ready?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to reject the Senate amendments on H. B. NO. 13-131, SD1 is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes

Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	no
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 15-1, Senate amendments to H. B. NO. 13-131, SD1 is hereby rejected. Floor Leader?

Rep. Babauta: Point of information, Mr. Speaker.

Speaker Hofschneider: State your point.

Rep. Babauta: I believe the Chair will be appointing conference committee on this?

Speaker Hofschneider: Possibly.

Rep. Babauta: Thank you.

Rep. S. Torres: Point of information.

Speaker Hofschneider: State your point.

Rep. S. Torres: I think colleague Babauta's concern is dead issue. The House rejected it so unless he's asking for reconsideration?

Rep. Babauta: No, I'm not, Mr. Speaker.

Speaker Hofschneider: Thank you. Floor Leader?

Floor Leader Attao: Item 12, Mr. Speaker, Reports of Standing Committee, if there's no objection from the members, I'd like to place S. C. R. NO. 13-056 this is reference to S. B. NO. 13-14, HCS1 on the calendar.

There was no objection, and the House went back to Item 12, Reports of Standing Committees.

## REPORTS OF STANDING COMMITTEES

S. C. R. NO. 13-047: Reporting on H. B. NO. 13-158, entitled, "To increase the user fee collected under 4 CMC § 1421 to 5% the gross value of merchandise which require the Department of Finance's certification for export from the Commonwealth. *Your Committee on Ways and Means recommends the passage of the bill in the form of House Draft 1.*

Speaker Hofschneider: Can you state the title?

Floor Leader Attao: To lower water rates for local farmers and ranchers; and for other purposes.

Speaker Hofschneider: Thank you. Suspension motion?

Floor Leader Attao: Mr. Speaker, I now move for the suspension of Rule VII, Section Rule IX, Sections 9, 10 and 11 for the adoption of S. C. R. NO. 13-056.

The motion was seconded.

S. C. R. NO. 13-056: Reporting on S. B. NO. 13-14, HCS1, entitled, "To lower water rates for local farmers and ranchers; and for other purposes." *Your Committee on Public Utilities, Transportation & Communications recommends passage in the substitute form.*

Speaker Hofschneider: Suspension motion for the adoption of S. C. R. NO. 13-056 reference to S. B. NO. 13-14, HCS1, has been seconded. Discussion on the motion?

Several members voiced, "ready."

There was no discussion, and the motion to adopt S. C. R. NO. 13-056 was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, can we have two minutes recess for the swearing in ceremony of the Vice Speaker?

Speaker Hofschneider: Is he here yet? Not yet? We'll continue until the Associate Justice comes.

Floor Leader Attao: Resolution Calendar, Mr. Speaker.

Speaker Hofschneider: If there's no objection, we'll move down to Resolution Calendar. Floor Leader, short recess?

Floor Leader Attao: Short recess, Mr. Speaker.

The Chair declared a recess at 11:35 a.m.

## **RECESS**

The House reconvened at 2:23 p.m.

## **RESOLUTION CALENDAR**

Speaker Hofschneider: We're back to our session and we're under Resolution Calendar. I recognize the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the adoption of S. J. R. NO. 13-9 and H. J. R. NO. 13-015.

The motion was seconded.

Speaker Hofschneider: Suspension motion for the adoption of S. J. R. NO. 13-9 and H. J. R. NO. 13-015 has been seconded. Discussion on the suspension motion?

Several members voiced, “ready.”

There was no discussion; and the motion was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the adoption of H. J. R. NO. 13-015.

The motion was seconded by Rep. Babauta.

H. J. R. NO. 13-015: A HOUSE JOINT RESOLUTION TO EXPRESS GRAVE DISAPPOINTMENT OVER THE DIRECTOR OF PERSONNEL’S STATEMENT ON PUBLIC LAW 13-1.

Speaker Hofschneider: Motion for the adoption of H. J. R. NO. 13-015 has been seconded. Discussion on the resolution? Representative Stanley Torres?

Rep. S. Torres: Thank you, Mr. Speaker. Mr. Speaker and colleagues, in reference to H. J. R. NO. 13-015 I’d like to send a message to my friend, Mr. Juan I. Tenorio, Director of Personnel, who is blaming this august body for his misinterpretation of Public Law 13-1. He has the guts to openly state that the lawmakers made me do it, I say John, let me refresh your memory. It was your boss Lieutenant Governor Benavente who hand carried this bill to the Senate. It was Ms. Pam Brown who accompanied the Lieutenant Governor to the Senate and watched over the passage of this bill. During the course of this bill Governor Babauta openly lauded this bill since he wanted to bring in his own cronies. In complying with the wishes of the Administration to be more transparent to the public this bill was passed and forwarded to Governor Babauta for his signature. The ink wasn’t even dry when the Governor signed this bill into law. Now months have passed and you started sending out salvos of confusion to over three hundred employees. In this letter you directed these employees to give up their civil service status and convert to excepted service or else be fired. These scared tactics should have never started. If you and your advisors have reviewed Mangloña v. Civil Service Commission, 3 NMI 243 1992 and Sonoda v. Cabrera, 255 Federal 3<sup>rd</sup> 1035, this subject would have never surfaced. For this purpose I have attached both cases for your review. The bottom line is once a person is granted a civil service status, that person can only be removed for cause. As for those newly created positions they are still civil service positions until such time that the Legislature creates a statutory excepted service position. Those newly created positions will take into effect when they become vacant and not at your pleasure. By the way, it is you who serve at the pleasure of the Governor not those who you sent those Dear John letters to. Basically, you are wrong, the lawmakers didn’t make you do it. Governor Babauta made you do it. Mr. Juan I. Tenorio, you have just told me that our Governor, Juan N. Babauta and Lieutenant Governor Diego T. Benavente are both liars. If you’re still confused check the color of your zories. Thank you.

Floor Leader Attao: Ready.

Speaker Hofschneider: Any other comment? Representative Tebuteb.

Rep. Tebuteb: You know, sometimes English words tricks our minds, including reading newspapers. The way I look at this letter to the editor, it says, lawmakers made me do it. I really don’t know how true this statement is in terms of is it really from Mr. Director or is it the media? The way I read the letter, it seems to be directed to three individuals and these three individuals include himself. Yesterday, a child was born to a parent, the Governor, the Administration, the House and the Senate or, for that matter, maybe the three branches as the parent, the Godfather was searched. OPM came into the picture, the child’s name was already agreed upon by the parents, the Godfather wanted to rename this child. One of those parents didn’t know what the Godfather’s intention was, he wanted to rename. Lo and behold, an angel came and said: name is not as important than what we need to do, which is to baptize this child so I think we should all pray

and be happy because even if there is typhoon today, the sun will still come up. Today for this month is the month of youths and also cancer awareness. So with your permission, Mr. Speaker, allow me and my colleagues to call Mr. Tenorio personally and have him come up and accept the resolution. Thank you.

Speaker Hofschneider: Short recess.

The House recessed at 2:31 p.m.

### RECESS

The House reconvened at 2:33 p.m.

Speaker Hofschneider: We're back to our session and are there any more discussion on H. J. R. NO. 13-015?

Several members voiced, "ready."

There was no further discussion, and the motion to adopt H. J. R. NO. 13-015 was carried by voice vote.

Speaker Hofschneider: Motion carried. H. J. R. NO. 13-015 is hereby adopted by the House. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the adoption of S. J. R. NO. 13-9.

The motion was seconded by Rep. Babauta.

S. J. R. NO. 13-9: A SENATE JOINT RESOLUTION REQUESTING THE OFFICE OF THE PUBLIC AUDITOR TO INVESTIGATE IMMEDIATELY THE FACTS AND CIRCUMSTANCES SURROUNDING THE RECENT, SIMULTANEOUS TERMINATION OF 11 EMPLOYEES OF THE NORTHERN MARIANAS COLLEGE, SOME OF WHOM HELD MANAGERIAL POSITIONS AND HAD BEEN WITH THE COLLEGE FOR MORE THAN 10 YEARS, BY CONDUCTING PERSONAL INTERVIEWS WITH THE 11 EMPLOYEES AND, AS DEEMED NECESSARY, PAST AND PRESENT MEMBERS OF THE BOARD OF REGENTS, COLLEGE ADMINISTRATORS, STAFF, FACULTY, AND STUDENTS, AND OTHER MEANS BY WHICH TO DETERMINE THAT THE TERMINATIONS WERE WARRANTED AND NOT IMPROPERLY MOTIVATED.

Speaker Hofschneider: Motion for the adoption S. J. R. NO. 13-9 reference to NMC's Termination of Employees has been seconded. Discussion on the S. J. R. NO. 13-9?

Rep. Babauta: Mr. Speaker?

The Chair recognized Representative Babauta.

Rep. Babauta: Thank you. This is for the record, Mr. Speaker, if the author of the resolution or otherwise the Chair can also include in the transmittal that would include a comprehensive review of both NMC's personnel policy procedures and also I'm more concern on the aspects of reviewing policies of past so-called Western Accreditation of Schools and Colleges review or rather documents that deals with primarily on the part of personal involvement of NMC in assessing changes of operations with our institution. Thank you, Mr. Speaker.

Speaker Hofschneider: Any other comments? Ready?

Several members voiced, "ready."

There was no further discussion and the motion adopt S. J. R. NO. 13-9 was carried by voice vote.

Speaker Hofschneider: Motion carried. S. J. R. NO. 13-9 is hereby adopted by the House. Floor Leader? Any other ...

Floor Leader Attao: Bill Calendar, Mr. Speaker.

Speaker Hofschneider: We move down to Bill Calendar, Item 16 and I recognize the Floor Leader.

## **BILL CALENDAR**

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the passage of H. B. NO. 13-060, H. B. NO. 13-200, S. B. NO. 13-32, CS1, S. B. NO. 13-29, CS1, H. B. NO. 13-063, CS1, S. B. NO. 13-41, SD1, H. B. NO. 13-195, H. B. NO. 13-196 and S. B. NO. 13-14, HCS1.

The motion was seconded.

Speaker Hofschneider: Suspension motion the passage for the following bills: H. B. NO. 13-200, H. B. NO. 13-060, S. B. NO. 13-32, CS1, S. B. NO. 13-29, CS1, H. B. NO. 13-063, CS1, S. B. NO. 13-41, SD1, H. B. NO. 13-195, H. B. NO. 13-196 and S. B. NO. 13-14, HCS1 has been seconded. Discussion on the suspension motion?

Rep. Babauta voiced, "ready."

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, if there's no objection, I'd like to ask the indulgence of the members if they would include H. B. NO. 13-203 and H. B. NO. 13-204 to be passed this afternoon?

Speaker Hofschneider: Could you read the title?

Vice Speaker Tenorio: It's an appropriation bill for Precinct I. Both of them.

Speaker Hofschneider: Both of them. Chairman on the Committee on Ways and Means? Short recess.

The House recessed at 2:38 p.m.

## **RECESS**

The House reconvened at 2:50 p.m.

Speaker Hofschneider: We're back to our session and we're under discussion on the suspension motion for those bills that have been enumerated. Vice Speaker, you had the floor.

Vice Speaker Tenorio: Thank you, Mr. Speaker. Mr. Speaker, during recess we found out that we have to make some changes on the bill. Therefore, Mr. Speaker, I'd like to withdraw my motion on H. B. NO. 13-203. Thank you.

Speaker Hofschneider: Thank you. Floor Leader?



Floor Leader Attao: Mr. Speaker, I would like to make a subsidiary motion on the original motion to include H. B. NO. 13-204.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: H. B. NO. 13-204?

Floor Leader Attao: Yes, H. B. NO. 13 204.

Speaker Hofschneider: May I remind everyone that in the House Rules there is a section where bills that reach the floor for final disposition must be signed off by a legal counsel for legal sufficiency. Those bills that do not have legal sufficiency will not be allowed on the floor. Vice Speaker?

Vice Speaker Tenorio: Thank you, Mr. Speaker. Now that you mentioned that, both bills were prepared by the legal counsel and I asked her to sign the bill this morning.

Speaker Hofschneider: I'm just reminding everyone that we have a rule.

Vice Speaker Tenorio: And she told me that that's not necessary. The legal counsel is not here, Mr. Speaker, I didn't see her around.

Speaker Hofschneider: Okay.

Floor Leader Attao: No, Mr. Speaker, the legal counsel is correct if you're going to introduce the bill, but when it comes to the bill's passage, then it has to be reviewed for legal sufficiency.

Speaker Hofschneider: Correct. The reason for that is we accommodate legislations that have been drafted outside the Legislature and that's the purpose so you can introduce it officially and the committee can work on it. But when it reaches the floor for final disposal then it has to have a legal sufficiency review by in-house legal counsels. So with that and the subsidiary motion to include H. B. NO. 13-204, ready for the question?

Several members voiced, "ready."

There was no further discussion, and the motion to include H. B. NO. 13-204 on the calendar was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-200 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-200: A BILL FOR AN ACT TO AMEND PUBLIC LAW 13-24 (APROPRIATIONS AND BUDGET AUTHORITY ACT OF 2003).

Speaker Hofschneider: Motion for the passage on First and Final Reading on H. B. NO. 13-200 has been seconded. Discussion on the Bill?

Several members voiced, "ready."

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-200 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes

Rep. Deleon Guerrero: May I seek clarification first before I vote?

Speaker Hofschneider: Floor Leader, could you read the title?

Rep. Babauta: To amend the ... I'm sorry.

Speaker Hofschneider: Thank you for recognizing the Floor Leader.

Rep. Babauta: If I may, Mr. Speaker.

Speaker Hofschneider: You may.

Rep. Babauta: This is the technical correction made by the Speaker on the Fiscal Year 2003 budget for CUC line item.

Speaker Hofschneider: Thank you.

Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 16-0, H. B. NO. 13-200 passes the House on First and Final Reading. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of S. B. NO. 13-32, CS1 on First and Final Reading.

The motion was seconded by Rep. Babauta.

S. B. NO. 13-32, CS1: A BILL FOR AN ACT TO RESERVE AREAS OF PUBLIC LANDS ON THE ISLAND OF ROTA THAT ARE SUITABLE FOR VILLAGE HOMESTEADS, SPECIFICALLY THE FINAFA AND GINALANGAN AREAS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading S. B. NO. 13-32, CS1, Rota Village Homestead Reservation Act of 2002 reference to S. C. R. NO. 13-050 has been seconded. Discussion on the Bill?

Rep. Babauta voiced, “ready.”

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-32, CS1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 16-0, S. B. NO. 13-32, CS1 is hereby passed by the House. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-29, CS1 on First and Final Reading.

The motion was seconded by Rep. Babauta.

S. B. NO. 13-29, CS1: A BILL FOR AN ACT TO PRESERVE AND DESIGNATE LOT NO. 683 R 01 AT AS NIEVES ON THE ISLAND OF ROTA FOR CULTURAL DEVELOPMENT; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading S. B. NO. 13-29, CS1, Rota Cultural Center Designation Act of 2002 has been seconded. Discussion on the Bill?

Several members voiced, “ready.”

Speaker Hofschneider: Ready. Clerk, roll call, please.

The roll called on the motion to pass S. B. NO. 13-29, CS1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes

Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 16-0, S. B. NO. 13-29, CS1 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-063, HS1 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-063, HS1: A BILL FOR AN ACT TO ESTABLISH A TOBACCO SETTLEMENT EXPENDITURE FUND BY REPEALING PL 12-44, AND TO APPROPRIATE THE MONEY IN THE FUND FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING A CNMI COMPREHENSIVE TOBACCO PREVENTION AND CONTROL STRATEGIC PLAN OF ACTION; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading H. B. NO. 13-063, HS1, Commonwealth Tobacco Settlement Expenditure Act of 2002 has been seconded. Discussion on the Bill?

Rep. Babauta voiced, “ready.”

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-063, HS1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 16-0, H. B. NO. 13-063, HS1 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-41, SD1 on First and Final Reading.

The motion was seconded by Rep. Babauta.

S. B. NO. 13-41, SD1: A BILL FOR AN ACT TO ESTABLISH A COMMONWEALTH FILM, VIDEO AND MEDIA OFFICE (HEREIN REFERRED TO AS THE, "NORTHERN MARIANA ISLANDS FILM OFFICE"); AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage of S. B. NO. 13-41, SD1, Northern Mariana Islands Film Office has been seconded. Discussion on the Bill?

Several members voiced, "ready."

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-41, SD1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes

Rep. S. Torres: Mr. Speaker?

Speaker Hofschneider: Representative Torres.

Rep. S. Torres: I didn't realize that this is a budget related bill until this morning. I will vote yes on the condition that the MVA will handle the budgetary matters for this bill.

Speaker Hofschneider: Come again.

Rep. S. Torres: I will vote yes under the condition that MVA will handle the budget matters on this particular bill.

Speaker Hofschneider: So your vote is no?

Rep. S. Torres: I'll be conflicting myself if I vote yes because this bill was not referred to my committee for review.

Speaker Hofschneider: Clerk, Representative Torres is hereby voting no. Thank you, Chairman.

Rep. Stanley T. Torres	no
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 15-1, S. B. NO. 13-41, SD1, Northern Mariana Islands Film Office is hereby passed by the House on First and Final Reading. Just off the cuff on that remark, I agree with the Chairman. We ought to be consistent with consolidation with similar services and programs. But this is a Senate Bill and the temperament of the Senate is to ...

Floor Leader Attao: Mr. Speaker, point of clarification. Under Section 2, Subsection (b) the MVA will be responsible in providing personnel and all others for this particular office.

Speaker Hofschneider: There's a provision on the last page of the bill that was pointed out by the counsel. We still have that additional step in the sense that we need to appropriate the funds for the operations of that office. So we will be revisiting the appropriation needs of that legislation if it's signed into law, consistent with the contention of the Chairman on the Committee on Ways and Means. Keep that in mind. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-14, HS1 on First and Final Reading.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: Could you read the title of S. B. NO. 13-14, HS1?

Floor Leader Attao: Entitled, A Bill for an Act to lower water rates for local farmers and ranchers; and for other purposes.

Speaker Hofschneider: Thank you. Any second.

S. B. NO. 13-14, HS1: A BILL FOR AN ACT TO LOWER WATER RATES FOR LOCAL FARMERS AND RANCHERS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading S. B. NO. 13-14, HS1 reference to S. C. R. NO. 13-056 has been seconded. Discussion on the Bill?

Several members voiced, "ready."

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-14, HS1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: S. B. NO. 13-14, HS1 reference to S. C. R. NO. 13-056 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-196 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-196: A BILL FOR AN ACT TO DEFINE THE OFFENSE OF ABUSE OF FAMILY AND HOUSEHOLD MEMBERS, ESTABLISH CORRESPONDING PENALTIES; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading H. B. NO. 13-196, Domestic Violence has been seconded. Under discussion, I recognize Representative Cabrera. You have a floor amendment?

Rep. Cabrera: Yes, Mr. Speaker.

Speaker Hofschneider: Thank you. Do we have copies for the members? Short recess.

The House recessed at 3:09 p.m.

### RECESS

The House reconvened at 3:11 p.m.

[Beginning of recording]

(Rep. Cabrera offered the following amendment: On page 5, line 3, the phrase “more than a year” is deleted and replaced by the phrase, “not more than five years”; was seconded and under discussion.)

Rep. Cabrera: It’s just to avoid allowing the court with too much discretion with respect to the length of sentencing. That’s basically it.

Speaker Hofschneider: Thank you. Ready for the question?

Several members voiced, “ready.”

The Chair recognized Representative Quitugua.

Rep. Quitugua: Thank you, Mr. Speaker. A concern, Mr. Speaker, with respect to the definition of violence. I think this is a very broad definition and I stand to be corrected. All of us are susceptible to fall on this penalty clause, Mr. Speaker. I recall sometime back in the early nineties when a couple in Oregon got into a very major dispute. As a matter of fact, it became a national issue because the wife refused the sexual advance of the husband and as a result he was criminally charged of sexual abuse. I wonder, Mr. Speaker, if the definition on the bill would put us in a bind if we fall in a similar situation whereby your spouse is not in the mood for sexual activity and he or she refuses, would that constitute sexual abuse?

Speaker Hofschneider: Just because you call your wife a property doesn’t mean that mutual consent does not apply to that relationship and perhaps it will fall under that definition when consenting adults whether their married or not, one partner disagrees and forceful, the subjectivity is what is forceful and to the extent where your other partner does not permit, whether your married or not, consent is the key, mutual consent is the key and perhaps we will fall prey to the language. However, those examples and similar scenarios will probably be towards the end of a skilled curve in terms of statistics. What we’re generally concerned is the applicability of the definition at the main stream of that curve. We do not have a clear definition of what is violence and when it comes to domestic disputes and traditionally law enforcements have been quite reserved

to intervene simply because of the nature itself. It's a lover's quarrel or marital squabble. We need to provide a new pyridine in terms of defining what is violence and we've seen so many of those in the Commonwealth that ends up in some mutilation, body mutilation, mental anguish, kids being subjected to the stress of verbal abuses and so forth and so forth. I agree and that your concern is well taken but I'm not too concerned since those examples will essentially fall on the two end of the curve and at times perhaps more skilled than expected. Who's to say that we will not fall prey to our own definition? I think over time the court will advise the Legislature to relief those definitions if not appropriately provided but we need to trust the court in making the judgment and I feel secure that the language itself is quite appropriate at this time. Representative Quitugua, you still have the floor.

Rep. Quitugua: No, I'm not suggesting for a moment, Mr. Speaker, nor am I condoning any act of violence. I'm just pointing that out simply because it was a situation that drew the attention of Whitewater and in the definition that is inserted in H. B. NO. 13-196, I'm just wondering whether such a situation when occurs ... you know.

Speaker Hofschneider: I agree. I mean that's the whole nature of behavior. It's really hard to call and put them in a confined definition by law. Behaviors are quite subjective themselves that we cannot really put a finger on and define, put a parameter around it. I totally agree with your suggestion or concern. And for good cause, I think it's healthier that we put that in public record with the passage of this bill. Representative Deleon Guerrero?

Rep. Deleon Guerrero: Thank you, Mr. Speaker. This is the first time I've seen this bill, and I understand it's been introduced, we're suspending the Rules and because this issue is such a sensitive issue, I wonder whether it warrants scrutiny by the committee to come up with a committee report. This can and will impact just about everybody. I am in no means in saying that this issue does not warrant prompt action but because of the nature, the sensitivity of this issue that perhaps we should take a thorough review of the bill rather than passing it immediately without further scrutiny, Mr. Speaker.

Speaker Hofschneider: I agree with the procedure of concern that you raised but the factual concern is more revealing. One just needs to go down to family court and look at the log book and the cases and those that have not made it to court but nonetheless have been registered with the Department of Public Safety to responses and the reports themselves that did not reach the court. It's alarming and we need to consider the need for such a language in our current domestic act. We will make an exception to the rule on this simply because it's entrusted in us to provide guidelines. This is one of those issues that even if you bring to the people, it will still come back to us and have us make the final judgment. What we need to do is look at the other jurisdictions that have similar cases, similar circumstances with the Commonwealth and I believe that the author of the bill had done that already. There is a concerted effort from the Administration also on this bill. Representative Quitugua?

Rep. Quitugua: Thank you, Mr. Speaker, for the second time. Maybe this is the right time to raise the issue, Mr. Speaker, although it is not covered in the bill but maybe in future legislation we might consider enacting one. I think this subject crosses other issues and this affects the authority of parents. I think the family unit is breaking down and if you look at the current situation with respect to education this is where it becomes very apparent, Mr. Speaker and members. The authority of DYS, in my opinion, has taken over the parental authority of raising children. Maybe this has relevance to the issue of abuse whereby raising children right now is extremely difficult considering the circumstances that young parents are faced with. And to further deteriorate that parental authority is even a greater challenge for young parents. I would like to suggest that maybe we need to take a look at the specific role of DYS with respect to family dysfunction. I suspect, Mr. Speaker, that the breaking down of parental authority may have some connection with the increase in violence. I don't have the statistics to indicate that, I'm just taking this from the educational perspective whereby parents are reluctant to exercise complete authority over their children simply because that authority has been infiltrated by the authority given to DYS and maybe we need to revisit that issue at some future point. Thank you.



Speaker Hofschneider: Thank you. That's a very good observation. Ready?

Rep. Babauta voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass the floor amendment on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: Short recess.

The House recessed at 3:27 p.m.

### RECESS

The House reconvened at 3:28 p.m.

Speaker Hofschneider: There's a slip up. We just voted on the amendment and so we go back to ... The amendment passes as offered by Representative Cabrera. Ready for the question?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-196, HD1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes

Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a 16-0 vote, H. B. NO. 13-196, HD1 is hereby passed by the House on First and Final Reading as amended. Representative Palacios?

Rep. A. Palacios: Mr. Speaker, perhaps this is a moot point but I barely read the bill that we just passed. I think that it's necessary and I would certainly have to share some concern as that of Congressman Deleon Guerrero and that is at least ... you know, we have this criminal code amendment that should have at least ... I didn't notice that there's no legal counsel signature on this. Did you ... it's a moot case, but there's no report also. Thank you.

Speaker Hofschneider: Thank you. Representative Stanley Torres?

Rep. S. Torres: Thank you, Mr. Speaker. Before I forget, with the unanimous consent, I'd like to move that the calendared H. B. NO. 13-158 be recalled from the floor and reassigned to the Committee on Ways and Means for further polishing.

Rep. Babauta: No objection.

Rep. S. Torres: That's the user fee.

Speaker Hofschneider: Why is that?

Rep. S. Torres: I noticed that it needs technical fixing.

Speaker Hofschneider: We'll just leave it on the calendar and we'll fix it for the next session.

Rep. S. Torres: Alright.

Speaker Hofschneider: Thank you. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-195 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-195: A BILL FOR AN ACT TO AMEND 4 CMC § 1503(c), CREATED BY SECTION 1503(C) OF PUBLIC LAW 9-22; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage of H. B. NO. 13-195 on First and Final Reading, Quarterly Reporting of Poker Licensing, has been seconded. Discussion on the Bill?

Rep. Babauta voiced, "ready."

Speaker Hofschneider: Ready?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: This is instead of an annual lump-sum payment because of the decline of the economy and to maintain the posterity of the fiscal ability of the government to collect. There's an

accommodation by this house to allow operators to pay them at a quarterly basis instead of waiting for the anniversary for their renewal and putting out the full lump-sum payment. That's the purpose of the bill. Ready?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-195 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	no
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 15-1, H. B. NO. 13-195 is hereby passed by the House on First and Final Reading. Floor Leader. Recess.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-204 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-204: A BILL FOR AN ACT TO RE-APPROPRIATE FUND BALANCES FROM PUBLIC LAWS 10-15, 10-38, 11-67, 11-79, 11-120 AND 12-73 FOR VARIOUS ROAD PROJECTS WITHIN PRECINCT 1; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading H. B. NO. 13-204 has been seconded. Discussion on the Bill? Representative Babauta?

Rep. Babauta: Thank you, Mr. Speaker. Mr. Speaker, I wish to offer an oral floor amendment on line 11 strikeout, "design" and after the words "for the," and on line 12 strikeout "various" and insert "Kannat Tabla" to the sentence for the construction of Kannat Tabla road projects within Precinct 1. And strikeout, "please see attached project listings." So move, Mr. Speaker.

Speaker Hofschneider: Any second to the motion?

Seconded by Floor Leader Attao.

Speaker Hofschneider: Oral floor amendment that's been offered by Representative Babauta has been seconded. Discussion on the oral floor amendment? Representative Ada?

Rep. Ada: If colleague Babauta doesn't know, \$500,000.00, half a million for Kannat Tabla the intent of this is to finish off Nang Ocha Road project. The greater portion on this, which is specifically PL 11-79, is \$100,000.00 and it has been waiting approval on the easement aspect with respect to Jose and Louise Sablan's road and with all due respect they even have a sign out there saying pave our road and a portion of this is to prioritize Nang Ocha Road. I have a listing here that also includes Kannat Tabla, it's 1 to 21 for all Precinct 1 road projects that are pending. So for your information again with Kannat Tabla the right of way MOU is undergoing it's process with Terry Mendiola at the TSD, DPW. I don't see the need to include as it says here at the bottom of the line please see attached for project listings and this includes Kannat Tabla.

Floor Leader Attao: Mr. Speaker?

The Chair recognized the Floor Leader.

Floor Leader Attao: How much out of the \$123,721.00 is to be dedicated to Kannat Tabla? It's part of the listing, so I'm asking how much is to be dedicated to Kannat Tabla out of the \$123,721.00?

Rep. Ada: Right now there are 1-21 roads other than Kannat Tabla and this is only \$123,721.00.

Floor Leader Attao: How much additional do you need for Kannat Tabla?

Rep. Ada: For Kannat Tabla right now I have been told by the TSD people that they need \$560,000.00 but it could be less because the decrease in size on the width of the road.

Floor Leader Attao: So you mean to say that half a million is more than sufficient to complete the Kanat Tabla road paving?

Rep. Ada: Yes. I have been assured by the TSD people that by going down from 24 feet wide to at least 18 that they could guarantee Kannat Tabla with A & E included.

Floor Leader Attao: So, Mr. Speaker, if indeed half a million is more than sufficient then I ask my colleague from Precinct 2 to withdraw his amendment and we have to respect the action for that particular Precinct. Thank you.

Rep. Ada: Thank you, Floor Leader.

The Chair recognized Representative Palacios.

Rep. A. Palacios: I don't have any problem with making sure that roads in Precinct 1 are adequately funded. What I have a problem with, Congressman, is when you insert languages into an appropriation bill that say, "shall not be re-appropriated." As you just mentioned, one of the biggest problems and the reason why you have a delay in this project, in communication of this project, this road construction is you have problems with easements. What if you come out and continue to have easement problems with roads? What happens is that you have funds that languish? So I kind of have a reservation as to putting languages that say it should not be re-appropriated. I mean it doesn't have to be re-appropriated to Precinct 4 or Precinct 3 for that matter, maybe Precinct 1 may want to shift it.

Rep. Ada: Colleague, have mercy on Precinct 1.

Rep. A. Palacios: I am ready to vote for this but I have reservations when it has these languages, have a permanent ... Thank you, Mr. Speaker.

The Chair recognized Representative Ada.

Rep. Ada: Thank you, Mr. Speaker. Due to my experience on the past Legislature, it's not easy to pave one stretch of road without first going through the motion of getting the owners to accept the Memorandum of Understanding to clear the easement much less with twenty one stretches of road here. I have been assured by TSD that the out of the sixty land owners in Kannat Tabla most of them have agreed to sign the MOU.

Speaker Hofschneider: Representative Ada, are you saying that with \$123,000.00 you're going to complete twenty-one road paving?

Rep. Ada: Mr. Speaker, you are a more seasoned legislator. Honestly, with \$123,000.00 I have been told that \$70,000.00 to \$80,000.00 would be taken up by the Nan Iching Sablan's road up, so we don't even have enough. We would welcome any funding from other precincts to help us out, but Precinct 4 ...

Speaker Hofschneider: Representative Babauta, could you please extend the courtesy and withdraw your floor amendment.

Rep. Babauta: Mr. Speaker [end of recording] [beginning of recording] have been appropriated over the years, over three, four years ago and apparently because of the demand that the residence of the Kannat Tabla were requesting and the dilemma that they are in, in terms of digressing, getting out of that area is more critical than what Representative Ada was alluding to. I also understand for clarification purposes that part of this amount was to finish up Nang Ocha road, is that it?

Speaker Hofschneider: Can you withdraw your motion, Representative Babauta?

Rep. Ada: Colleague, with all due respect, I ask you to withdraw your motion.

Rep. Babauta: I'm just being humble to the Precinct 1 elected officials on their priorities, Mr. Speaker. So with that I humbly withdraw my motion.

Speaker Hofschneider: Thank you.

Rep. Ada: Thank you. Kannat Tabla is well taken care of right now. We are getting there.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, I'd like to make an oral floor amendment, if I may?

Speaker Hofschneider: You may.

Vice Speaker Tenorio: On line 4, Section 2 after the word "re-appropriated" insert, "the fund balances" and on line 11 the word "re-appropriated" should be change to "reprogrammed," so moved, Mr. Speaker.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: Oral floor amendment offered by the Vice Speaker has been seconded. Discussion on the oral floor amendment?

Rep. Babauta voiced, "ready."

There was no discussion; the motion was carried by voice vote.

Speaker Hofschneider: Motion carried. Ready for the question?

Floor Leader Attao: Mr. Speaker, I'd like to make an oral amendment.

The Chair recognized the Floor Leader.

Floor Leader Attao: On page 2, line 1, strikeout all of line 1.

The motion was seconded by Rep. Babauta.

Floor Leader Attao: Ready.

Speaker Hofschneider: An oral floor amendment offered by the Floor Leader has been seconded. Discussion on the oral floor amendment?

Several members voiced, "ready."

There was no discussion; and the motion was carried by voice vote.

Speaker Hofschneider: Motion carried. Representative Deleon Guerrero?

Rep. Deleon Guerrero: Just a point of clarification, Mr. Speaker. Notwithstanding the fact that my good colleague Congressman Ada stays up at Nang Ocha road, he is now staying in Precinct 1 for your information. I tend to agree with him, the stretch of road he was referring to -- the Nan Iching road -- clarify me if I'm wrong but isn't that the road with the big sign that says, pave our road?

Rep. Ada: Yes, sir.

Rep. Deleon Guerrero: I agree with my colleague. We need to pave that road.

Rep. Ada: Thank you, colleague.

Speaker Hofschneider: Ready for the question?

Rep. Ada: Yes.

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-204, HD2 First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	absent
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: Thank you. H. B. NO. 13-204, as amended, passes the House on First and Final Reading. Floor Leader.

Speaker Hofschneider: Mr. Speaker, can we take one more bill? This is H. B. NO. 13-060.

Speaker Hofschneider: H. B. NO. 13-060?

Floor Leader Attao: Yes. That's is the Doctorate Scholarship Program.

Speaker Hofschneider: Sure.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-060 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-060: TO ESTABLISH A DOCTORAL PROGRAM ASSISTANCE (PH.D. OR ED.D., ETC.) FOR RESIDENTS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TO PARTICIPATE IN; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading H. B. NO. 13-060 reference to S. C. R. NO. 13-046 has been seconded. Discussion? Representative Palacios?

Rep. A. Palacios: Mr. Speaker, I'm going to make it clear, I support the intent of this bill but I remember when this bill appeared on the Bill Calendar a couple of sessions ago, I believe Representative Deleon Guerrero raised some concerns. I wonder if those concerns have already been addressed in this bill. I believe I share the same concerns that Representative Deleon Guerrero raised.

Speaker Hofschneider: Representative Deleon Guerrero, could you refresh the members?

Rep. Deleon Guerrero: Thank you, Mr. Speaker and colleague. The concern was that the intent of this bill is rather specific to individuals seeking higher education that they be specifically those employed at the college and PSS. We asked if the intent of this program can broaden so that other agencies or other areas can also benefit by partaking in this program. I used the example of an archeologist could be needed at the HPO or biologist for the Division of Fish and Wildlife for that matter or an economist from the Department of Commerce may be able to partake in this program. The concern was that this bill is very specific and it only allows individuals to get a doctorate degree to come back and teach at either PSS or NMC. I've taken a look, this is a different version from the one that was originally introduced. The difference here is that in the event that a person, the first six doctoral students graduate that they're required to accept employment with PSS or NMC and only in the event that PSS or NMC is unable to offer them employment can they move on to other agencies. So in that regards yes, it allows for recipients of this program but again that's only dependent upon PSS or NMC not accepting them. Is that flexible enough? Personally, I think that the focus is still the same in this version as with the original bill. I would like to see it expanded, Mr. Speaker.

Speaker Hofschneider: I guess the analogy would be to look at the purpose and that is if PSS and NMC are the first recipients as opposed to the Department of Finance for instance, a Ph.D. in education, a Ph.D. in economics or a Ph.D. in all trades or categories, education is a catch all institution that can utilize them, but the reverse is not necessarily true. A person with a Ph.D. and is to be funneled over to the Department of Finance may not be an appropriate utilization of that expertise but PSS is always in need of all disciplines, the college is always in need of multiple disciplines. So I think it's a perfect alignment of maximally utilizing doctoral individuals coming back from school, the reverse is not necessarily true. HPO you must have a Ph.D. in history, anthropology or those disciplines but not necessarily consistent with the purpose of the bill. It could be. So PSS and NMC is a catch all bag for all disciplines coming back and I think that

that's a perfect alignment of what the intention of doctoral programs is all about. Wouldn't it be quite an envy of an educational institution to have Ph.D. teaching elementary level? Representative Palacios?

Rep. A. Palacios: My concern in regards to the bill, Mr. Speaker, and I understand where you're coming from. Today as we sit here, for example the Division of Fish and Wildlife has a program within the Department and as an arrangement through the U.S. Fish and Wildlife Service called Pacific Island Education or Initiative for the department to identify local individuals either within the department or someone that's already going to NMC or is in a four-year institution in the United States. We have at least two, there's one that we have, through this program, sent to an institution in the United States. We have one that is already here and is being groomed to set him up to do his master's program. What we have is an agency within the government that has, for most part, invested in undergraduate, education of these individuals, and graduates. Now what I'd like to see is to have this extended to other specialized fields. For example, if this individual that we're looking at gets his Master's Degree in Marine Science, we would love to have this guy proceed to get a doctorate, but as it is what is going to happen is that if this individual goes into this doctorate program, he would be obligated to go and teach at PSS or NMC. What we're requesting is to just open this up. There's a language here that I believe is very limited, very restrictive in terms of where the individual, when he comes back from getting his Doctorate Degree, he won't have a choice, I'd like to see it open to appropriate agencies. If you have a Ph.D. in archeology you have a choice whether to go to NMC or go to HPO and even head the department. That's probably what we're going to see some of these individuals will not go teach at NMC or PSS. They'll go right and be able to run the department.

Speaker Hofschneider: Representative Palacios, may we ask the author to just hold it on the calendar for that accommodation?

Rep. W. Torres: I guess it is rather timely that our new President has done what he did. The sole intention of this bill, you're correct it's very limited it's focused to principally NMC, secondarily PSS. Initially the number of slots to be opened was twelve but upon deliberation, we felt that resources are limited and we should start with six instead. So as you can see the number of slots is very limited and intent here is to assist the Northern Mariana College convert eventually into a four-year institution of higher learning. If you take an inventory of Northern Marianas College as it is or has been historically it's so amazing that Northern Marianas College has existed for a decade and we have yet to see a local person there. And we ask ourselves why, why is that? We can relate to the sentiment of the concerns but I think we also need to be mindful of resource limitations and prioritization. In an institution of higher learning a Ph.D. is almost a minimum requirement to have a decent institution of higher learning. You don't need a Ph.D. to be an anthropologist, you don't need a Ph.D. to be in fish and wildlife, you don't need a Ph.D. to work for CRM and other discipline but at an institution of higher learning, it's a standard minimum requirement. If we just had enough time with Northern Marianas College President perhaps we can deliberate further into this issue because he is very concern about quality. But what is quality, how do we measure quality? Is it the number of courses that we offer, the amount of tuition we charge or the kind of people who are there teaching our students? So while I sympathize with the concerns over the limitations, the bill, nonetheless, does not preclude other disciplines, cross disciplines if you will. Yes, the focus really is Northern Marianas College and they are six slots available, period. The bill has a self-extinguishing provision, a sunset clause that when a certain number is reached, it will self-destruct. Again, in consideration of resource limitation because the resource requirements are tremendous to engage in, we have to be mindful of the priorities and the resource constraints that we're faced with. It is our intention to not necessarily restrict the slots to NMC and PSS but the nature of our situation warrants such a restriction. At the same time it has a clause that does not inhibit an individual from crossing discipline outside of education and if you look at that, this is really to encourage our local residents to go higher and to teach. So if you put it in that perspective I guess we can move forward with this. It's something that we just witnessed with our new President talking quality but using other things to justify certain actions.

Speaker Hofschneider: Thank you. For the last time, Representative Deleon Guerrero.



Rep. Deleon Guerrero: Thank you. I will not disagree with my colleague about the importance of having our educators be educated to Ph.D. levels. I support that. I just want to enlighten my colleague though that Ph.D. teaching archeology will only be as good as the archeologist coming up with the data and right now it's not locals who's studying our pre-history, it's outsiders as well. And for the same concern you've raised, it's just as important to me that our people get higher educations so that we can also research our own history through eyes and that will enable the Ph.D. at the college to better instruct our children. So we're not competing here colleague, as a matter of fact as a compromise, all I ask is that we give priority to NMC for the purposes you mentioned, we give PSS second priority but we also give priority to other agencies. Perhaps specialize the agencies dealing with research of our islands such as biology or archeology that they be allowed to partake in this program. After all who will be benefit from it? Our people, our kids. Thank you.

Speaker Hofschneider: The question is on the floor. Do you want to move ahead, or suspend it and amend it?

Vice Speaker Tenorio: Both.

Speaker Hofschneider: Ready for the question?

Several members voiced, "ready."

Floor Leader Attao: Mr. Speaker?

The Chair recognized the Floor Leader.

Floor Leader Attao: Is that ready for the question to vote on the bill?

Speaker Hofschneider: Yes.

Floor Leader Attao: Mr. Speaker, I have a big reservation on Section 5. This is the source of funding. I was just telling the Chair that Public Laws 10-66, 11-25 and 12-44 that the funding for these laws, Mr. Speaker, were all earmarked for certain programs. If we pass this bill, it will automatically repeal all those earmarking. I will strongly suggest to the Chair to at least take a look at all the laws that were cited and make necessary amendment consistent with the application to the existing statute as to their earmarking and the purpose of earmarking into this bill. And if there's objection from the Chair, Mr. Speaker, I will like to make a motion to defer action and put the bill on the calendar for further action on the next session.

Speaker Hofschneider: Any second on that?

The motion was seconded.

Speaker Hofschneider: Motion to suspend action and place it on the calendar again has been seconded. Discussion on the motion to suspend action? Representative Quitugua.

Rep. Quitugua: Discussion on the motion, Mr. Speaker. I wonder along that line, Mr. Floor Leader, on the last sentence any unmade funding requirements of this act shall be funded from the existing CNMI post-secondary financial assistance program, in other words, if there's no sufficient funding on the cited statute then other means kicks in.

Speaker Hofschneider: Considered.

Floor Leader Attao: Considered?

Rep. Babauta: Ready for the question on the suspension motion.

Speaker Hofschneider: Under discussion this is directed to the Committee Chair and the Committee staff. In the S. C. R. NO. 13-046 under recommendation, your Committee on Education supports H. B. NO. 13-060, CS1. If you look at the bill it's not a Committee Substitute 1. Where's the Committee Substitute 1?

Rep. Quitugua: It's inserted ... I have the Committee Substitute, Mr. Speaker.

Speaker Hofschneider: Not the copy that is presented to the floor. Just a note to correct that. Okay.

There was no discussion, and the motion to defer action on H. B. NO. 13-060 was carried by voice vote.

Speaker Hofschneider: Motion carried. H. B. NO. 13-060 is placed on the calendar again for corrections. Floor Leader, recess.

Floor Leader Attao: Thank you, Mr. Speaker. I move to recess subject to the call of the Chair.

The motion was seconded.

Speaker Hofschneider: Before I recognize the motion, I recognize Representative Torres.

Rep. W. Torres: If there's no objection, Mr. Speaker, I'd like to go back to Item 12 and make a motion for placement of S. C. R. NO. 13-057.

Speaker Hofschneider: Procedurally, we're outside the bounds. Motion to recess is not debatable.

Rep. W. Torres: Just for placement.

Speaker Hofschneider: For placement. No objection on the floor?

There was no objection; and the House went back to Item 12, Reports of Standing Committees.

## **REPORTS OF STANDING COMMITTEES**

The Chair recognized Representative Torres.

Rep. W. Torres: Motion to place S. C. R. NO. 13-057. For placement purposes only.

Speaker Hofschneider: Any second?

The motion was seconded by Rep. Babauta.

S. C. R. NO. 13:057: Reporting on S. B. NO. 13-11, entitled, "To create a National Guard for the Commonwealth of the Northern Mariana Islands." *Your Committee on Judicial & Governmental Operations recommends the passage of the bill.*

Speaker Hofschneider: Motion for placement of S. C. R. NO. 13-057 has been seconded. Discussion on the motion?

Rep. Babauta voiced, "ready."

There was no discussion, and the motion to place S. C. R. NO. 13-057 on the calendar was carried by voice vote.

Speaker Hofschneider: Motion carried and now I recognize the motion to recess subject to the call of the Chair.

The motion to recess subject to the call of the Chair was seconded, and carried by voice vote.

The House recessed at 4:05 p.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk  
House of Representatives

---

#### **APPEARANCE OF LOCAL BILLS**

H. L. B. NO. 13-033: To prohibit or restrict the use of self-contained underwater breathing apparatus (SCUBA) and other related devices on commercial and noncommercial fishermen when fishing for reef fish or other types of fish or harvesting other marine life within the lagoon and coastal waters of the municipality of Saipan and the Northern Islands; and for other purposes. (REP. PEDRO P. CASTRO) [3<sup>rd</sup> APPEARANCE]

H. L. B. NO. 13-034: To re-appropriate the sum of \$185,000 appropriated by H. L. B. NO. 13-003, D1, Saipan Local Law No. 13-03, from the fees collected by Saipan Local Law No. 11-2 for the San Antonio Elementary School Walk-Way Cover. (REP. PEDRO P. CASTRO) [2<sup>nd</sup> APPEARANCE]