



House Journal

THIRD SPECIAL SESSION, 2003

Third Day

May 19, 2003

The House of Representatives of the Thirteenth Northern Marianas Commonwealth Legislature convened in its **Third Day, Third Special Session**, on **Monday, May 19, 2003**, at **10:30 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), **fifteen** members were recorded present; Representative Joseph Deleon Guerrero was excused, and Representatives Norman S. Palacios and William S. Torres came in late.

Speaker Hofschneider: Representative Norman Palacios is arriving from Tinian at this time. He's excused. Representative Joseph Deleon Guerrero is on official leave. We'll wait a few more minutes for Representative William Torres to show up.

ADOPTION OF JOURNALS

None

PREFILED AND INTRODUCTION OF BILLS

The Chair recognized Rep. Ada.

Rep. Ada: Mr. Speaker, after getting more information on the status and the effect that H. B. NO. 13-283 would make, I would like to withdraw H. B. NO. 13-283 at this point.

Several members voice "no objection."

Speaker Hofschneider: Withdraw?

Rep. Ada: Yes. There'll be some information as to the effect of this bill that would be passed out right now.

Speaker Hofschneider: What bill?—H. B. NO. 13-283?

Rep. Ada: Yes. The \$7 million is apparently not enough even for the wastewater project itself. We just got the estimate of the project including all the specific expenditures. It looks like \$10 million is not even enough for Phase I for the wastewater project in Kagman. Right now, I believe that \$10 million is \$9 million. \$1 million was taken out for the design.

Speaker Hofschneider: Do you want to introduce it officially and leave on the calendar so that we can talk about it more?

Rep. Ada: Yes, Mr. Speaker.

Speaker Hofschneider: So officially introduce it.

H. B. NO. 13-283: A Bill for an Act to amend Section 5(C) of P.L. 11-119 and to reappropriate Seven Million Dollars (\$7,000,000.00) from the Kagman Wastewater and Sewer Project, CNMI Covenant Section 702 CIP Projects; and for other purposes.

Offered by: Rep. Martin B. Ada

H. B. NO. 13-284: A Bill for an Act to amend 4 CMC 1401(g) as enacted by Public Law 13-42, to exempt educational materials such as books and computers from the .42 percent ad valorem assessed on all consumer goods; and for other purposes.

Offered by: Rep. Arnold I. Palacios

H. B. NO. 13-285: A Bill for an Act to establish and regulate development within the Garapan Planning Improvement District; and for other purposes.

Offered by: Rep. Arnold I. Palacios and two others

Referred to: Committee on Natural Resources

Speaker Hofschneider: For the benefit of the members, H. B. NO. 13-285 that Representative Arnold Palacios just introduced is in collaboration with the Legislature and the Executive Branch in conjunction with the Garapan Revitalization Committee. It's a bill that is much needed to deal with the problems and the anticipated renovations in central Garapan and therefore that bill will be referred to the Committee on Natural Resources for an immediate public hearing on the issues of the Garapan closure and zoning. Any other bills? Representative Ada.

H. B. NO. 13-286: A Bill for an Act to re-appropriate fund balances from Public Laws 10-38, 11-79 and 11-111; and for other purposes.

Offered by: Rep. Jesus T. Attao

H. B. NO. 13-287: A Bill for an Act to amend 9 CMC § 5703 to exempt motorcyclist 18 years of age and older from wearing a safety helmet when operating a motorcycle; and for other purposes.

Offered by: Rep. Martin B. Ada

Speaker Hofschneider: I thought the House settled that, Representative Ada.

Rep. Ada: Yes. I thought that putting the phrase "for 18 years and older" in this bill would make it optional in that it is their choice. I believe under the democratic system, Mr. Speaker, they have a choice to wear or not to wear a helmet if they are 18 years and above. It's a basic fundamental...

Speaker Hofschneider: Just a word of caution. Under the democratic principles, people who are nonetheless non-participant to that idea should not be burdened costs associated with medical referral for concussion and broken skull and bones. So just be forewarned that the House has already settled that issue, extensively debated on it, and I hope that you're not being pressured to do this.

Rep. Ada: No, Mr. Speaker.

Speaker Hofschneider: Nonetheless, thank you for the introduction. Any other bill? Clerk, Representatives William S. Torres is present. I recognize Representative William S. Torres for introduction of bills.

H. B. NO. 13-288: A Bill for an Act to promote economic diversification in the Commonwealth of the Northern Mariana Islands; and for other purposes.

Offered by: Rep. William S. Torres
Referred to: Committee on Commerce

H. B. NO. 13-289: A Bill for an Act to ensure equity and fairness in the distribution of land compensation by amending section (d) of Public Law 13-17; and for other purposes.

Offered by: Rep. William S. Torres
Referred to: Committee on Natural Resources

PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 13-144: A House Resolution commending Dr. Rangaswamy N. Muniappan, Professor Emeritus, University of Guam, for his assistance to the Department of Lands and Natural Resources in securing federal approval for the field release of the *Acythopeus cocciniae*, a leaf-mining weevil, that is the bio-control agent for the scarlet gourd.

Offered by: Rep. Arnold I. Palacios

H. R. NO. 13-145: A House Resolution requesting the Commonwealth Public School System Administration to implement a Weighted Student Formula Funding Allocation.

Offered by: Rep. William S. Torres and seventeen others

H. J. R. NO. 13-031: A House Joint Resolution authorizing the Resident Representative to the United States to use the funds for housing expenses provided in the budget of the Office of the Resident Representative for the benefit of the Resident Representative for the purposes of purchasing a residence or house for the use of the Resident Representative in the Washington, D.C. metropolitan area.

Offered by: Rep. Manuel A. Tenorio and ten others

MESSAGES FROM THE GOVERNOR

GOV. COMM. 13-523 – 5/6/03 – P.L. 11-6 notification of exemption for Sand Castle, Inc.

GOV. COMM. 13-524 – 5/5/03 – Enclosing a copy of the US Army Corps of Engineers report on the review of the operation and management of CIP, identifying a variety of concerns.

GOV. COMM. 13-525 – 5/9/03 – Informing the Legislature that he signed H. L. B. NO. 13-033, D1 (SCUBA Fishing Prohibition) into **Saipan Local Law No. 13-13**.

The Chair recognized Representative Arnold Palacios.

Rep. A. Palacios: Mr. Speaker, I would appreciate a copy of GOV. COMM. 13-524.

Speaker Hofschneider: Do you need a copy, Representative Palacios?

Rep. A. Palacios: Yes.

At this time, the Chair declared a short recess at 10:44 a.m.

RECESS

The House reconvened at 10:44 a.m.

Speaker Hofschneider: We're back to our session and we're under Governor's Communication.

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: I want to say that in spite of differences in terms of legislation priorities, GOV. COMM. 13-525, the SCUBA Fishing Prohibition is now S. L. L. 13-13. We've been going at this for as long as I've been here, for more than twelve years, and the issue is about conservation. I'm glad that we finally have a prohibition using scuba apparatus as a method to fish commercially or in a sense of sports. I think it's time the CNMI Division of Fish and Wildlife do an assessment on some of the targeted fish like the snappers or *mafuti* that are beginning to disappear in the lagoon. It goes without saying that we use the ocean resources as a culture and tradition, but more importantly now-a-days people are becoming more conscious about health and fish is highly recommended. The increase in **pressure** in the lagoon and outside the lagoon has in fact influenced the stock of targeted fish by our local people. For that, I think the prohibition in line with the recommendation to start doing some tagging programs and studies with the targeted fish in the lagoons is appropriate. In twelve years, I've never seen any study that really assesses what is going on inside the lagoon other than the obvious run-offs and pollutants contributing to the degradation of the lagoon. But in terms of the marine life, I'm very happy that the fishing prohibition using scuba and other mechanical methods are now emplaced. Since we have the Honorable Chairman from the Municipal Council to give a brief remark as to the Office of the Municipal Council for the past year, with no objection, we'll go down to House Communications and allow the Chairman of the Municipal Council to deliver his message.

There being no objection; the House went down to House Communications.

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

Speaker Hofschneider: At this time, I recognize the Floor for a motion to resolve into the Committee of the Whole.

Floor Leader Attao moved to resolve into the Committee of the Whole to receive the Office of the Municipal Council's First Annual Progress Report from the Honorable Chairman Gregorio V. Deleon Guerrero, was seconded and carried by voice vote.

The House went into Committee of the Whole at 10:48 a.m.

COMMITTEE OF THE WHOLE

The House returned to plenary session at 10:51 a.m.

Speaker Hofschneider: We're back to our session and I recognize Representative Ada.

Rep. Ada: Thank you, Mr. Speaker. We were making comments on GOV. COMM. 13-525 and I would also like to share one thing that this last trip to Palau has really provided me. I met with the Chief Conservation Officer, Aldelbert Eledui, the person who's really responsible for what's happening now in Palau in terms of conservation matters and especially on enforcement. He was telling me about the lagoon waters and what is called the fisheries restocking project. What they do at the Palau Agriculture Development Center (PMDC) is they catch a certain species of fish that is slowly depleting and breed them in their PMDC center then after breeding them, they release the same species in the same waters where they caught those species. I believe the CNMI should have that center even at a smaller scale. That is one way to tackle the problem here within our lagoons where we don't see the fish that we usually catch that's really our mainstay. Thank you and we're looking forward to prodding more into the feasibility studies on establishing PMDC other than the giant clam project.

Speaker Hofschneider: Thank you, Representative Ada. You still owe the giant clams for the sanctuary.

Rep. Ada: Sir, we have been given the green light to be given the baby clams that we were asking and working with DLNR Secretary Tom Pangelinan. As a matter fact, I discussed that with him informally yesterday and he is willing to send one of his biologists, Michael Tenorio, to talk with the person who's handling that at PMDC. So, we are trying to work on that then open up discussion on the fisheries restocking project.

The Chair recognized Representative Palacios.

Rep. A. Palacios: Short comment. One of the biggest concerns that we ought to consider is the high predation rate. We had this project in the '80's and early '90's. We were able to bring in huge

stocks from Palau and we find that the lagoon in Saipan has a lot of predators particularly for those really juvenile clams.

Speaker Hofschneider: Walking predators or swimming predators?

Rep. A. Palacios: Crawling predators. So I would like to commend Representative Ada on the project, however, I think we ought to take a look at. It was actually a research seeding program that we implemented in connection with some federal grants that were given to then Micronesian Marine Development Center for demonstrations at the Mari-culture Center. So it would actually be useless to seed or to bring in real juvenile clams in our lagoon only to find that the three-year old to five-year old clams are best suited. The predation rate is almost nonexistent. So if you're going to make a go of this I think you ought a look at the study. There has been documentation on that project. So we need to ensure that if we're going to re-implement it that we take note of the attributes that made it a failure in the beginning. But I think that eventually the project was successful in the restocking of our lagoon with the seeding program.

Rep. Ada: May I, Mr. Speaker?

Speaker Hofschneider: For the last time.

Rep. Ada: Thank you. Thank you very much for the advice Chairman on the Committee on Natural Resources. You have been there and you actually helped drive the project a little bit further by referring me to the one of the specialists on importation of the giant clam, Mr. John Gurley, he's a permitting specialist. He has a shipping company that handles all permits. He can ship in clams from Palau and then we can take it from there. That's one way that we can continue on this project and we definitely will take note in not importing baby or very young clams, but juvenile stage so they can withstand the **predation** problems. Thank you.

Speaker Hofschneider: Thank you.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT. & AGENCY COMM. 13-203 – 5/2/03 – From Executive Director Bruce MacMillan, MPLT, providing a copy of the 2001 Annual Report of MPLT.

DEPT. & AGENCY COMM. 13-204 – 5/9/03 – From Chairman Vince J. Seman, NMC Board of Regents, providing a copy of NMC's Pacific Gateway proposal.

DEPT. & AGENCY COMM. 13-205 – 5/15/03 – From Acting SAPLR Nace Soalablai acknowledging receipt of J. S. R. No. 13-4 and 13-5, JSD1.

DEPT. & AGENCY COMM. 13-206 – 5/15/03 - From Acting SAPLR Nace Soalablai acknowledging receipt of H. R. NO. 13-121.

DEPT. & AGENCY COMM. 13-207 – 5/15/03 - From Acting SAPLR Nace Soalablai acknowledging receipt of H. R. NO. 13-135 and H. R. NO. 13-136.

DEPT. & AGENCY COMM. 13-208 – 5/15/03 - From Acting SAPLR Nace Soalablai acknowledging receipt of H. R. NO. 13-127 thru 13-130 and H. R. NO. 13-134.

DEPT. & AGENCY COMM. 13-209 – 5/15/03 - From Acting SAPLR Nace Soalablai acknowledging receipt of H. R. NO. 13-125, 13-125, and 13-131.

DEPT. & AGENCY COMM. 13-210 – 4/30/03 – Commonwealth Register Vol. 25, No. 4 (NMIRF Ins. Division, Cash Receipts, Poker Machine Operations)

The Chair recognized Representative Arnold Palacios.

Rep. A. Palacios: Point of clarification. DEPT. & AGENCY COMM. 13-204, the Pacific Gateway Proposal. I know that the proposal was informally presented and that we got that opportunity through the NMC President. The NMC has now submitted a formal proposal. What comes next from the Legislature?

Speaker Hofschneider: I was going to ask the indulgence of the members for immediate comment on that. If there's no objection, I'd like to comment on DEPT. & AGENCY COMM. 13-204.

There was no objection.

Speaker Hofschneider: On the day of the State of the Commonwealth Address, the President in the early morning delivered the long awaited request of the House to put together a thorough prospectus or plan for the Pacific Gateway Proposal or idea, and he has done that. In fact we have the binder with the clerk. I recommend that we go through the recommendations or the proposal. What I find very obvious in the shortcoming of that proposal is the marketing section, which I believe that we emphasized during our meeting with the President. For every day that that particular part of the proposal is not done and submitted to the House is another day of delay and we honestly cannot with good conscious move ahead however good the idea. We're in support of the idea for the college to come up with a plan that would get them to be self-sustaining or self-funding. The idea is not new. It is practiced all throughout colleges and universities in the mainland, Hawaii and Guam, and it's beginning to develop here in the Commonwealth particularly Saipan. We have Eucon providing foreign students higher education opportunities. In order for us to commit a minimum of \$10 million, we need to look at every detail so that we know what we're getting into. Keep in mind that the approach as provided in the Pacific Gateway Proposal is premised on the time is of the essence. That means, they're inclined to talk about and look into construction of new facilities not only for the Pacific Gateway Proposal but also to have a new college campus for NMC students. But the fact that they're embarking on such a proposal leaves us to grapple with the responsibility of finding \$10 million for an immediate purchase of either La Fiesta, as they recommended in their proposal, or other possible facilities that are on the market now. One is the Airport Road facility, which is partially completed. The Diamond Hotel was mentioned, Nauru was mentioned, and other similar in

facility and in size. I think that our responsibility is not to be tunnel vision about the role of NMC and its needs but to look peripherally as to where higher education fits and the needs of the higher education institution in the context of the overall responsibility of the government and this community. And I advise that the Committee on Ways and Means should appropriately take charge and look into the proposal, in conjunction with the Standing Committee on Education, emphasizing that the missing request of the marketing section be reiterated and emphasized to the President of NMC so that we can move on. I think that both committees should look into the proposal. If there's no other comment, we'll move down.

Floor Leader Attao: Mr. Speaker, on DEPT. & AGENCY COMM. 13-203, do you have a copy of the MPLC Annual Report?

Speaker Hofschneider: It's with the clerk.

Floor Leader Attao: Can we have copies?

Speaker Hofschneider: All those documents that are provided an asterisk in the agenda are with the clerk.

OTHER COMMUNICATIONS

MISC. COMM. 13-163 – 5/8/03 – From the Clerks of the Sixth Olbiil Era Kelulau transmitting a certified copy of H. J. R. NO. 6-52-9, SD1, CD1, conferring Honorary Citizenship of the Republic of Palau upon the Honorable Jose R. Lifoifoi.

MISC. COMM. 13-164 – 5/8/03 – From Executive Director Robert L. Springer, FEBC, extending gratitude on the support of FEBC's lease extension.

There was no discussion.

REPORTS OF STANDING COMMITTEES

None

Speaker Hofschneider: May I ask the Chairs of the Standing Committees – it's been months since I've seen committee reports – have we given up? There are a lot of bills referred to respective committees that we need to dispose of – report it out and recommend to either file the bill or recommend for passage. I haven't seen any work on the Standing Committee Report section.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Attao: Two minutes recess.

At this time, the Chair declared a short recess at 11:07 a.m.

RECESS

The House reconvened at 11:30 a.m.

[end of recording]

Speaker Hofschneider: We're back to our session and, Floor Leader, you are recognized.

Floor Leader Attao moved for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the adoption of H. R. NO. 13-144, H. R. NO. 13-145 and H. J. R. NO. 13-031, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: I move for the adoption of H. R. NO. 13-144 and H. R. NO. 13-145.

The motion was seconded.

H. R. NO. 13-144: A HOUSE RESOLUTION COMMENDING DR. RANGASWAMY N. MUNIAPPAN, PROFESSOR EMERITUS, UNIVERSITY OF GUAM, FOR HIS ASSISTANCE TO THE DEPARTMENT OF LANDS AND NATURAL RESOURCES IN SECURING FEDERAL APPROVAL FOR THE FIELD RELEASE OF THE ACYTHOPEUS COCCINIAE, A LEAF-MINING WEEVIL, THAT IS THE BIO-CONTROL AGENT FOR THE SCARLET GOURD.

H. R. NO. 13-145: A HOUSE RESOLUTION REQUESTING THE COMMONWEALTH PUBLIC SCHOOL SYSTEM ADMINISTRATION TO IMPLEMENT A WEIGHTED STUDENT FORMULA FUNDING ALLOCATION.

Speaker Hofschneider: The motion for the adoption of H. R. NO. 13-144, H. R. NO. 13-145 and H. J. R. NO. 13-031 has been seconded. Discussion on the resolution? Representative Arnold Palacios.

Rep. A. Palacios: [beginning of recording]... for an experimental release of this species to address the scarlet gourd problem here. I believe that the department has done the study, not just this Administration but also the previous Administration under Secretary Jack Tenorio. Now with the assistance of Dr. Muniappan of the University of Guam, I believe that the department has gone through the extraordinary process of getting a federal approval to release and that is sometimes a very tedious scientific data gathering. I believe that with that federal approval, I would assume that APHIS, with that approval, has gotten the necessary scientific data.

Speaker Hofschneider: Who knows the scientific name for the *Sali*, the yellow-eyed black bird crow?

Rep. Aldan: Micronesian Starling.

Speaker Hofschneider: Micronesian Starling. We call it *Sali*. There's a notable increase in its population since the scarlet gourd has invaded the forestry of the Commonwealth or Saipan in particular. So I guess the next logical question would be what is the natural predator for the weevil?

Rep. A. Palacios: I'm not sure.

Rep. Castro: Mr. Speaker, at one time, DLNR was putting out a public announcement on the radio that this particular insect will be destroying the medicinal plant like the *Ahghagha*. I happened to be at the office one time and they asked me for an identification of the *Ahghagha*. They were misinterpreting the names and instead they were referring to the *Akangkang* but I believe *Ahghagha* is very rare in Saipan. There's not much of *Ahghagha* here. I believe we find this in the Northern Islands and in Rota. So I made some reference to the Secretary in regards to the comparison of the *Ahghagha* and the *Akangkang*. The description they were telling the public was *Akangkang* not *Ahghagha*.

The Chair recognized Representative Palacios.

Rep. A. Palacios: Mr. Speaker, I think we can basically get at least a summary of the report from the Department of Lands and Natural Resources. I'm pretty sure that when federal process goes through this issue that they would be very explanatory as to what went on and what they expect it benefits. Thank you.

Speaker Hofschneider: Well, the mere fact that the House is concurring with the notion to introduce the insect is an expression of agreement with the idea. I think that we need to be very careful that we don't repeat the other example of a natural predator being introduced, for instance, the mongoose that was introduced to control the snakes and rats in the state of Hawaii. They didn't realize that the mongoose is rapidly multiplying and they're dealing with the medicine now and it's very expensive to deal with a natural...

Rep. A. Palacios: I agree with your concern, Mr. Speaker, and as I stated, I think that the federal permitting process have mechanisms to address those issues to make sure that when you introduce species to control certain pests that it doesn't have the unpredicted effect. I believe that with those types of lessons that you've stated, I think the pacific area of APHIS has taken those types of issues into consideration in the process of issuing the permits. If I'm not mistaken, I believe that Dr. Tenorio, who is an entomologist, had made sure that such a biological control does not have the same classic effect as an example of the mongoose in Hawaii that you've just mentioned. It was a very stringent process, Mr. Speaker, that took those questions into consideration.

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: Mr. Speaker, if Chairman Arnold Palacios would provide, is this insect coming from Honolulu or from Thailand?

Rep. A. Palacios: I believe they are reared in equal environment in an APHIS facility perhaps in Honolulu because this is a species that has been released in the State of Hawaii. So it would most likely be coming the State of Hawaii. Apparently this is a species that when it was introduced to control the scarlet gourd is very successful in the State of Hawaii. So it is an extension of that program and it will most likely be coming from the University of Hawaii's facilities or APHIS facilities in the State of Hawaii.

Rep. S. Torres: Did they find out what are the effects after they're done with the scarlet gourd?

Rep. A. Palacios: That's one of the biggest questions that I was just mentioning to the Speaker that that is a question when you go through this type of program, the impact or the after effect once the scarlet gourd or whatever it is that you're trying to accomplish has been accomplished and you have the continuing effect and that was one of the issues that they addressed. These are laboratory-reared species. So they know that they basically go through their life span and die. They don't have any other effect. We can get the Department of Lands and Natural Resources to give us a copy of their report and even the federal permitting process and what their scientific conclusions will be.

Speaker Hofschneider: Representative Palacios, we're quite concern because the normal flora here in the Commonwealth, there's one species of fern found nowhere else in the world, if I'm not mistaken, I believe it's only found in Rota and it's really nice. In fact, it's restricted or prohibited from actually harvesting it in Rota and bringing it to the other islands. I forgot the name but it's really unique and we don't know the consequences of the introducing a new insect to the CNMI.

Rep. A. Palacios: Mr. Speaker, like I said, having the experience not necessarily in agriculture but federal process getting permits to introduce species in an island ecology, I've had an experience and I know that the federal process is very, very tedious and addresses those types of concerns.

Speaker Hofschneider: I'd rather see that we introduce something to control lantana and *subetbonchosa*.

Rep. A. Palacios: I believe that was a project that the Vice Speaker was involved in when he was an agriculturist.

Speaker Hofschneider: Representative Palacios, can we leave it on the calendar and we'll get more information? Because once we adopt this however it's a resolution but it's an expression of agreement and we need to be very careful with what we're trying to do. Vice Speaker?

Vice Speaker Tenorio: Mr. Speaker, I just wanted to add that I agree with Congressman Palacios. The approval process in this kind of a biological control is very stringent and I'm sure that this particular insect has a case study in Hawaii. In most cases, I don't know about this particular insect, but they're supposed to be host specific. When they finish the host they die out of natural death and they have no other host so they just die out. What we've done here in the Marianas or what we worked with was the melon fly eradication. But that's different. It has nothing to do with eating each other. It's just a breeding, the mating habit of fruit flies that they only mate once and then they die out. But the process itself, like you said, is very tedious and that should go through many scientific studies. But I noticed, Mr. Speaker, what you said about the bird population increasing because not only the *Sali* but other birds all over the island. I understand the birds feed on the red berry that these gourds produce. But if you look at the entire island of Saipan, it's pretty much

covered by these ugly vines and our forest is in danger. So it's policy decision to make as far introducing an insect that will get rid of the scarlet gourd. I, for one, have to have some faith in the scientific studies that's going on and support the idea of getting this thing under control before it obliterates the island or the forest our island. And it's spreading fast because the birds are carry seeds around. So let's keep that in mind. Thank you.

Speaker Hofschneider: Any other comments on the weevil? Representative Tebuteb?

Rep. Tebuteb: I'm kind of leaning towards asking the good Congressman to hold on to the resolution for us to adopt partly because I actually have a few questions. Are DLNR and the University of Guam the only ones who conducted this study and are there other researches or studies done on this Pacific gourd? I know that there's been a long discussions among DLNR but specifically on the studies, I kind of ...[end of recording]...[beginning of recording]... were there other studies done somewhere else on this Pacific gourd that alluded to the same information of no significant impact to our environment?

Rep. A. Palacios: Like I said, our good Congressman Torres has raised the issue too. What I am saying is that the State of Hawaii had the same project on the scarlet gourd and it was through the efforts of research in the State of Hawaii, the University of Hawaii and APHIS, which is the controlling arm of this type of research, that they came up with a bio-control. So it's actually not just from the Commonwealth or from the island Guam in terms of the gourd, it's actually a big issue in the State of Hawaii. So it's from that process when we asked APHIS for assistance to experiment what was in control of certain results aside from the results from the State of Hawaii. It's very successful on the scarlet gourd and they know for a fact there is no other significant impact on the environment. Mr. Speaker, the resolution just recognizes an individual that contributed a lot in getting the permitting process through. We're having a session tomorrow, I can pull this back and get whatever detailed scientific report you guys want to read. I don't know if you would read but at least an executive summary of the voluminous, what I believe would be a voluminous application process.

Speaker Hofschneider: The good Chairman would allow us to dispense of the monotony and you would provide the executive summary tomorrow.

Rep. A. Palacios: I don't have any problem with that.

Speaker Hofschneider: With that, Floor Leader, before you make a subsidiary motion for the exclusion of H. R. NO. 13-144, may we ask the author of H. R. NO. 13-145 to just briefly tell us what is a Weighted Student Formula before we vote on it?

Rep. W. Torres: Gladly, Mr. Speaker. I think over the years the Legislature has been very supportive of empowering the school principals and that is giving the spending authority down to the schools to make the decisions as to what really is in the best interest of the school and the students. Often times though much of the allocation, be it from here or the central office, more likely than not the central office, is based on population, the raw numbers and it failed to account for the uniqueness of a driven school environment such as whether or not there's an increase of the numbers of enrollment of students with very limited in disability or there's a significant enrollment of special education students that the enrollment data doesn't capture. The budgetary allocation doesn't necessarily reflect the true needs of that particular school. So what we're doing here is we're asking

the administration to look into this situation and I'm sure that they're familiar with this, so that they could submit their recommendations to us before we take any action on how to best aggregate the allocation of funding for the school. There have been studies, Mr. Speaker, since the publication of The Nation at Risk Report, I'm sure you're very familiar with that back in the early 1990's. One that I just recently got from UCLA shows that the greater the ability of the schools to make its position relative to instructions there appears to be a correlation with student performance and achievement. A point in fact, the authority that we gave the school principals to enjoy along with the parents and the PTA, seem to be very much integrated in the process that PSS have been engaged in over the years since the middle 1980's and that is the school accreditation process. It involves all the stakeholders throughout the school community. So this specific formula or model of school finance we are giving the school administration, the central office the opportunity to recommend to us how they would like to see these done so that we can accomplish two things. One, to empower the schools and at the same time we expect results from the schools. I have been fortunate to be going out with the Committee on Education listening to the schools. And quite interestingly enough, the information that we seem to be getting from the top and the ones that we're getting from the field, so to speak, the principals, are kind of different.

Speaker Hofschneider: Can you give a specific example.

Rep. W. Torres: If you want very specific, which I'm sure you're very interested in, is the state performance information. When we first asked for a school-by-school information comparison, there seems to be quite a reluctance to release that information. When we were down at Kagman visiting the schools and I kind of tossed the same question again to the principal, absent of some office officials, they gladly and willingly wanted to share the information. So it gives you the impression that something is not in sync in the system that we need to continue to support the schools to enable them to make their decisions as to what is right and in the best interest of the children for the purpose of making them accountable in terms of student performance and school achievement. So this approach through our patience is just that but we are giving the administration an opportunity to reflect on it and give us their feelings and recommendations as to how to approach this issue. Although there is enough information on how to do this, again I would like to give them that benefit of the doubt to recommend to us how they would like us to address this issue. Thank you.

Speaker Hofschneider: Representative Torres, there seems to be a missing clause. Page 1 is basically a statement of fact but in the Be It Resolved clause we're missing the objective of the resolution.

Rep. W. Torres: Where are you looking at, Mr. Speaker?

Speaker Hofschneider: Page 2. Oh, a missing page.

Rep. W. Torres: Page 2 was already passed out.

Speaker Hofschneider: Does everyone have page 2? Any other comments? Ready?

Several members voiced, "ready."

Speaker Hofschneider: Floor Leader, subsidiary motion to exclude H. R. NO. 13-144 from the original motion.

Floor Leader Attao: So moved.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: We're voting on H. R. NO. 13-145. Ready?

There was no further discussion, and the motion to adopt H. R. NO. 13-145 was carried by voice vote.

Speaker Hofschneider: H. R. NO. 13-145 is hereby adopted by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the adoption of H. J. R. NO. 13-031.

The motion was seconded by Rep. Babauta.

H. J. R. NO. 13-031: A HOUSE JOINT RESOLUTION AUTHORIZING THE RESIDENT REPRESENTATIVE TO THE UNITED STATES TO USE THE FUNDS FOR HOUSING EXPENSES PROVIDED IN THE BUDGET OF OFFICE OF THE RESIDENT REPRESENTATIVE FOR THE BENEFIT OF THE RESIDENT REPRESENTATIVE FOR THE PURPOSES OF PURCHASING A RESIDENCE OR HOUSE FOR THE USE OF THE RESIDENT REPRESENTATIVE IN THE WASHINGTON, D.C. METROPOLITAN AREA.

Speaker Hofschneider: The motion for the adoption of H. R. NO. 13-031 has been seconded. Discussion on the resolution? This is authorize or rather the House being in agreement with the request of the Washington Representative to use some of the appropriation that his has in his authority to start making equity in terms of residence in Washington. I don't think that in the foreseeable future the CNMI and the Covenant will be changed taking away the purpose of having a Washington Representative or a delegate in the future. But for the last twelve, fourteen, how many years we have not had any equity on the payment that we've made on rentals for the residence of the Washington Representative and therefore the Washington Representative is of the opinion that the Commonwealth should have had equity over the years and wants to start in that route. Clear? Ready for the question?

Several members voiced, "ready."

The Chair recognized Representative William Torres.

Rep. W. Torres: I just want clarification, Mr. Speaker, on page 1, line 10. I wonder, Mr. Speaker, whether this is consistent with whatever equitable loan there is granting the Washington Representative the authority to engage with mortgaging institutions. That's just for clarification.

Speaker Hofschneider: I think that when the time comes he will submit to the Legislature any agreement that requires approval. Representative Torres?

Rep. S. Torres: Mr. Speaker, just for information. What is the price of this house?

Speaker Hofschneider: It all depends, the closer to the Capitol, the higher the cost of real estate. I believe that the former Washington Representative's residence is in the neighborhood of \$4 to \$5

thousand a month in the suburbs. But according to the Washington Representative if we look further away it'll be feasibly lower in price.

Rep. S. Torres: This resolution, Mr. Speaker, is authorizing the Washington Representative to use funds...

Speaker Hofschneider: In his budget.

Rep. S. Torres: In his budget? Is it to be reserved, put aside or start payment?

Speaker Hofschneider: No. What is now available for the Washington Representative's rental can be converted into equity by negotiating for purchase of a residential instead of just doling out monthly payments for rentals.

Rep. S. Torres: So this is similar to rent to own form or is this to purchase?

Speaker Hofschneider: Similar. It's a house mortgage. Okay?

Rep. S. Torres: Thank you.

At this time, the Chair declared a short recess at 12:00 p.m.

RECESS

The House reconvened at 12:03 p.m.

Speaker Hofschneider: We're back to our session and for clarification, the House Joint Resolution will only attempt to reiterate the objective of the Washington Representative that the House is in agreement over the resolution and adopts it in agreement with the idea of negotiating, but any final instrument that is outside or inconsistent with the Planning and Budgeting Act of the Commonwealth or needing the legislative approval as a loan as in borrowing will be further clarified in a letter to the Washington Representative. Ready?

There was no further discussion, and the motion to adopt H. J. R. NO. 13-031 was carried by voice vote.

Speaker Hofschneider: H. J. R. NO. 13-031 is hereby adopted by the House. Recess until 10:00 a.m. Representative Torres?

Rep. S. Torres: Mr. Speaker, can we go back to Prefiled and Introduction of Resolutions?

There being no objection; the House went back to Prefiled and Introduction of Resolutions.

PREFILED AND INTRODUCTION OF RESOLUTIONS

The Chair recognized Representative Stanley Torres.

H. R. NO. 13-146: A House Resolution to request that the Federal Communications Commission and the Commonwealth Telecommunications Commission deny the application by Pacific Telecom, Inc. and any application by a foreign-owned corporation from acquiring any majority or minority interest in the Commonwealth's telecommunications facilities.

Offered by: Rep. Stanley T. Torres

Referred to: Committee on Public Utilities, Transportation and Communications

Rep. S. Torres: Mr. Speaker, in the interest of the time, any opposition to the take over of Verizon in the Commonwealth is coming closer – I guess by June 9. I'd like to read the entire resolution for the benefit of the members.

Speaker Hofschneider: Representative Stanley Torres, are you anticipating that we act on this today or tomorrow?

Rep. S. Torres: Tomorrow, but I'd like to read it so that the members can digest it. It's going to take about two minutes. May I?

Speaker Hofschneider: Okay.

Representative Stanley Torres read out H. R. NO. 13-146 in its entirety.

Rep. S. Torres: And I hope that the entire House will support this resolution tomorrow. Thank you.

Speaker Hofschneider: Thank you. Representative Torres, since we will be taking up that resolution tomorrow, one question is posed and that is not to take away anything with the premise of the desire to see greater control, majority control by US entities or individuals. The question for tomorrow is: is this another intrusion of the Legislature on private matters? So, I'd like that to be addressed tomorrow for the members to be fully aware of.

Floor Leader Attao: Mr. Speaker, can we have a public hearing on this resolution?

Speaker Hofschneider: Since it'll be taken up tomorrow, we can discuss that tomorrow. Floor Leader, move to recess until tomorrow at 10:00 a.m.

Floor Leader Attao: I move to recess until tomorrow at 10:00 a.m.

The motion was seconded.

Rep. S. Torres: Announcement.

ANNOUNCEMENT

Speaker Hofschneider: Before I recognize the motion to recess, Representative Torres?

Chairman S. Torres: Announcement to all the members of the Committee on Ways and Means, please attend our public hearing tonight on the casino initiative at 6:30 p.m. at the multi-purpose center.

Speaker Hofschneider: And I want to follow up with that recommendation. All those who are members of the Committee on Ways and Means please show up. It is a very sensitive issue and we need to be fully informed and provide the people the necessary guidance or information. So please show up at the public hearing. With that, I recognize the motion to recess. It has been seconded.

There was no discussion, and the motion to recess was carried by voice vote.

The House recessed at 12:11 p.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

H. L. B. NO. 13-041: To establish a dog licensing and dog control act for Rota in order to protect the public health and welfare of the public; and for other purposes. (REP. DANIEL O. QUITUGUA)
[3RD APPEARANCE]