



House Journal

FOURTH REGULAR SESSION, 2003

Second Day

September 22, 2003

The House of Representatives of the Thirteenth Northern Marianas Commonwealth Legislature convened in its **Second Day, Fourth Regular** Session, on **Monday, September 22, 2003**, at **11:00 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.

The Clerk called the roll. Fifteen members were recorded present; Representatives Martin B. Ada, Norman S. Palacios and Stanley T. Torres came in late.

Speaker Hofschneider: Representative Norman Palacios is in the building. Hold off on marking him absent. Representative Stanley Torres is also in the office. So until Representative Ada shows up, I think we can all agree to mark him absent pending his appearance. Clerk, take note, Representative Norman Palacios, is present. I want to thank you for being in the leadership meeting on time and starting this session exactly at 11:00 a.m. as called.

ADOPTION OF JOURNALS

None

PREFILED AND INTRODUCTION OF BILLS

None

PREFILED AND INTRODUCTION OF RESOLUTIONS

None

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

MISC. COMM. 13-224 – July 22, 2003 – From Dr. Jack Angello regarding Civil Service System Coverage for NMC employees.

MISC. COMM. 13-225 – July 28, 2003 – From Mr. Yoichi Matsumura extending appreciation to the House for the contribution made to the Micronesia Repatriation Association.

MISC. COMM. 13-226 – From Mr. Kevin Latham and Staff, Joeten-Kiyu Public Library extending appreciation for assistance extended to improve the library building and grounds.

MISC. COMM. 13-227 – From Mr. Felix Sablan regarding the status of the CNMI's contribution to the Palau Air proposal.

MISC. COMM. 13-228 – FCC Consumer Fact on Deregulation and Cable.

MISC. COMM. 13-229 – From Ms. Ruth Tighe – on my mind column.

MISC. COMM. 13-230 – August 13, 2003 – From Mr. Lorenzo LG. Cabrera, regarding the submerged lands decision.

MISC. COMM. 13-331 – August 14, 2003 – From Mayor Juan B. Tudela providing a copy of the quarterly newsletter, the Mayor's Report.

MISC. COMM. 13-332 – August 15, 2003 - From Ms. Frances Muña, SNIMC Administrative Officer, transmitting a certified copy of 7SMC-7RS-09 thru 7SMC-7RS-12.

MISC. COMM. 13-333 – August 15, 2003 – From Mayor Juan B. Tudela requesting for funding for the stray dog control and dog-licensing program.

MISC. COMM. 13-334 – Copy of the Mayor of the Northern Islands' budget priorities.

MISC. COMM. 13-335 – Launching of Palau Rock Island Air, Inc.

MISC. COMM. 13-236 – From Ms. Ruth Tighe – on my mind column.

MISC. COMM. 13-237 – From Dr. Kenneth Wright, NMC, regarding Rep. Stanley Torres' request for a copy of the La Fiesta Mall purchase agreement.

MISC. COMM. 13-238 – August 20, 2003 – From Dr. Julie Ulloa-Heath, Tinian University, seeking assistance relative to nonresident student entry.

MISC. COMM. 13-239 – From Ms. Brenda Tenorio, attaching a copy of Ruth Tighe's column relative to the 13th Legislature.

MISC. COMM. 13-240 – August 27, 2003 – From Mayor Juan B. Tudela, regarding the CNMI Prostate Cancer Awareness Week.

MISC. COMM. 13-241 – August 30, 2003 – From Ms. Brenda Tenorio enclosing a copy of Mr. Harry Blalock's Food for Thought.

MISC. COMM. 13-242 – September 3, 2003 - From Ms. Frances Muña, SNIMC Administrative Officer, transmitting a certified copy of 7SMC-7RS-16 thru 7SMC-7RS-22.

MISC. COMM. 13-243 – September 4, 2003 - From Ms. Frances Muña, SNIMC Administrative Officer, transmitting a certified copy of 7SMC-7RS-22 thru 7SMC-7RS-30.

MISC. COMM. 13-244 – Order granting respondents' motion for summary judgment re NMC v. CSC and Jack Angello.

MISC. COMM. 13-245 – September 9, 2003 – From Dr. Jesus Camacho attaching an article regarding NMC leadership.

MISC. COMM. 13-246 – September 10, 2003 – From Mr. Yoichi Matsumura, PDI, regarding an amendment to the MVA Act and H. B. NO. 13-15.

MISC. COMM. 13-247 – September 12, 2003 – From Mayor Juan B. Tudela regarding the unveiling of the first street name sign.

MISC. COMM. 13-248 – August 28, 2003 – From Chairman Pete Reyes, SNILD, rescheduling the SNILD Session to September 2, 2003.

MISC. COMM. 13-249 – September 15, 2003 – From Mr. N. Horiguchi regarding the Promnade Pedestrian Mall Project.

MISC. COMM. 13-250 – September 14, 2003 – From Ms. Ruth Tighe – on my mind column about the Garapan revitalization project.

MISC. COMM. 13-251 – September 15, 2003 – From Mr. Jesse P. Stein, Domestic Violence Center, regarding the proclamation of the month of October as Domestic Violence Awareness Month.

The Chair recognized Representative Babauta.

Rep. Babauta: Thank you, Mr. Speaker. Misc. Comm. 13-227 and Misc. Comm. 13-335 just out of curiosity, Mr. Speaker, I didn't know that the Commonwealth government was negotiating – and excuse my ignorance – negotiating to be part contributor of Palau Air. I was reviewing the communications, Mr. Speaker, and I concluded that the Commonwealth government has been asked to be part of such an endeavor with respect to the launching of the new aviation in the Micronesian region. Is this the case, Mr. Speaker?

Speaker Hofschneider: In reference to Misc. Comm. 13-227 from the Lieutenant Governor's Office, Mr. Felix Sablan, inquiring as to the status of the contribution, if you recall last year and I think middle part of this year, the people who put together this Palau Air came to present their proposal to the Legislature on behalf of the Palau Air's endeavor to include all Micronesian entities. And in that meeting we were told that the CNMI is the only pending participant and was asked if they would like to buy-in at a fixed share. The total share for the Commonwealth, like the other entities is half a million dollars to participate in what they call a truly Micronesian endeavor, to also promote the Marianas, Guam since they will be serving Palau, Philippines and Japan. They will also service, I believe Pohnape and the rest of Micronesia. Given the economic situation that we have today we do not have such amount to really dedicate towards the contribution into the Palau Air proposal. The Legislature really is not in the rightful obligation in terms of the contribution to made. This is an executive function. What the leadership may decide once the appropriate funds is identified and given to us, is consider the legislation to appropriate the funds for such use. The only funds that we can honestly think about using if we want to participate – we're being asked but we haven't concluded that the Commonwealth is in fact interested – the funds that we have committed to the PIDB, which we are an entity and we have contributed a million dollars, if I'm not mistaken. So half a million dollars may be used because PIDB is for all intents and purposes for investment with the Micronesian collaborative effort and this is just one of those that is being advocated as a Micronesian endeavor. So until we see a legislation come our way from the Administration as to using that money, I believe, the Administration has to work with CDA to make a determination if they want to use half a million of that fund to pay in for our share. The expected date of services is sometime in December or earlier.

Rep. Babauta: Okay, I understand that, Mr. Speaker. If I may again, Mr. Speaker, I am aware that the APIL sanctioned such an endeavor I also remember during one of the APIL meeting that such an operation is being supported by the entities. However, because of the business plan update that's included, a copy of an email to you from the Office of the Lieutenant Governor, there was no detailed feasibility as to – I understand Continental Micronesia went into operations for the first fifteen years not making any profits at all. So I wish to bring this up to the attention of the members so whenever the legislation appears we need to really see the feasibility whether or not the contribution of the Commonwealth is feasible to be applied to such an endeavor without having humongous international carriers servicing the Pacific region, which is Guam and the CNMI from the United States and Asian markets. So I'm just a bit concerned and I wish to find out whether or not the Administration or the position on this have already been locked into the proposal. Thank you, Mr. Speaker.

Speaker Hofschneider: Thank you. Vice Speaker?

Vice Speaker Tenorio: Thank you. Mr. Speaker, just for the record and to clarify the allegation that this was discussed by the APIL, I think there are members of the APIL that subscribed to the airline but this was never discussed as a matter of discussion during our meetings. But I think this was discussed under the Strategic Economic Development Council (SEDC). Basically this is the Lieutenant Governor's baby and since he was also essential in PIDB, there were some discussions not commitment. I think the commitment is until the service starts here in Saipan then that's the time the government will participate. But there were some understanding or provisions for our participation. So just to straighten up the record. Thank you.

Speaker Hofschneider: Again, it's a policy decision on the Commonwealth because we made a big stink about another carrier to serve the Commonwealth and Micronesia and then we have this proposal before us and we're sort of dragging our feet in making decisions. So there seems to be somewhat of a reluctance as to being too good to be true until some physical evidence of the airline is actually up and going. I think that the Commonwealth have had experienced over the years of taking things face value and not materializing in the end. It's a failure in terms of the Commonwealth investment. Any other comments on Other Communications?

Rep. S. Torres: Mr. Speaker.

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: Thank you. First of all, I'd like to say that I'm present in the chamber and may I continue on Other Communications?

Speaker Hofschneider: Clerk, note. You may continue.

Rep. S. Torres: Secondly, on the request that you asked me to come out with, a copy of the agreement of APEX – if I'm in line, may I continue?

Speaker Hofschneider: You may continue.

Rep. S. Torres: This agreement was dated September 1997. That's about six years ago when somebody came up with the idea of looking into it. I guess we're too late.

Speaker Hofschneider: Would you submit that as record please?

Rep. S. Torres: Yes. And I'd like to bring up the matter of the Governor making an advance of \$2.5 million to President Wright for deposit of the La Fiesta Mall. I have a copy of the certification of how the Governor should spend the money and in that certification signed by the Governor on June 9, 2003, it specifically says that the state will only use funds provided under the grant, federal payment, under 401(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 for types of expenditure permitted under the most recently approved budget for the state. And in the attachment of the grant and the drawdown are a list of projects that are not included in the existing budget. I think that the Governor has violated his own commitment to the Federal Treasury for funding such projects that are not listed in the present budget.

Speaker Hofschneider: Representative Torres, do we know factually if the \$2.5 came from that source or another source?

Rep. S. Torres: I believe so. It's in his drawdown statement attached to his response to my request under the Open Government Act.

Speaker Hofschneider: Could you submit that as an official document please? We'll take a short recess to duplicate it.

Rep. S. Torres: Yes, sir.

The House recessed at 11:18 a.m.

RECESS

The House reconvened at 11:25 a.m.

Speaker Hofschneider: We're back to our session and we all have copies relative to Representative Torres' comments on the Pacific Gateway Project. Any other comments on Other Communications?

Rep. H. Palacios: Mr. Speaker.

The Chair recognized Representative Herman Palacios.

Rep. H. Palacios: Can I move to resolve into Committee of the Whole and ask the legal counsel to just briefly explain this on layman's term what Representative Torres was just trying to describe?

Speaker Hofschneider: I think that we can come back later and allow the legal counsel to look at it because this is...

Rep. H. Palacios: Okay.

Speaker Hofschneider: So we can come back. Don't forget to request to go back and discuss that. It's an important issue.

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Attao moved for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the adoption of S. C. R. NO. 13-094, S. C. R. NO. 13-095 and S. C. R. NO. 13-096, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao moved for the adoption of S. C. R. NO. 13-094, S. C. R. NO. 13-095 and S. C. R. NO. 13-096 and was seconded by several members.

S. C. R. NO. 13-094: Reporting on H. L. I. NO. 13-013, entitled, "To amend article II Section 11 of Constitution of the commonwealth of the Northern Mariana Islands and authorize for the election of an Attorney General and for other purposes." *Your committee on JGO recommends passage.*

S. C. R. NO. 13-095: Reporting on H. B. NO. 13-112, entitled, "To restrict the planting of trees and other such vegetation below and around power lines and facilities; and for other purposes. *Your Committee on PUTC recommends passage of the bill in the form of a substitute.*

S. C. R. NO. 13-096: Reporting on H. B. NO. 13-168, entitled, "To establish the Commonwealth Respite Services Program; and to provide for community respite services

programs.” *Your Committee on Health & Welfare recommends passage of the bill in the form of a substitute.*

Speaker Hofschneider: The motion for adoption of S. C. R. NO. 13-094 reference H. L. I. NO. 13-003, S. C. R. NO. 13-095 reference H. B. NO. 13-112 and S. C. R. NO. 13-096 reference H. B. NO. 13-168 has been seconded. Discussion on the Standing Committee Reports. As always, I’d like the authors, particularly on S. C. R. NO. 13-094, to substantiate for legislative history. We need to go on record why this idea of proposing the question to the people to have the Attorney General of the Commonwealth be voted. May I ask the author to enlighten for legislative history since the Chairman on the Committee on Judiciary and Governmental Operations has not appeared? Recognized, Representative Stanley Torres.

Rep. S. Torres: Mr. Speaker and members, I think it is time, it’s long overdue that we elect our Commonwealth Attorney General. Many years ago, criminal cases and other major cases have been hand picked, ignored or shelved to collect dust that should have been taken care, acted on. And the recent or a major issue that came up during the former Attorney General Robert Torres and his hasty departure from the Office as Attorney General proves that an elected Attorney General is required and should be mandated through a Legislative Initiative. I have come to several issues that may have been the cause of then Attorney General Torres’ decision to exit. The refusal of the Governor to hire an independent prosecutor to handle the major cases is one. Another one is the Attorney General overridden by the present Governor’s legal counsel as if the Attorney General who was nominated by the Governor and confirmed by the Senate is easily manipulated and overridden. I think that the elected AG must be emplaced no later than this coming election. We need an Attorney General who is answerable to the public and not to the Governor, the Lieutenant Governor and to the legal counsel deciding the Attorney General’s decision in the backroom, as that’s been the case of even the present Acting Attorney General. I don’t know if he’s truly making decision that’s coming from him. I understand that the legal counsel to the Governor is on top of an issue that she tries to hire an attorney to become a Special Assistant to the Attorney General when she becomes an Attorney General, and that’s Pamela Brown, and to hire this person at a salary of \$70,000 a year, which would make this person earn more salary than the senior Assistant AG’s at the Office of the Attorney General. If this person is hired to be the Special Assistant to the Attorney General, she would be given duties and position to be made by the Attorney General and not from the description and qualification of an Assistant AG. This is to be specifically – *hafa na’an-ña etyo i...*

Speaker Hofschneider: *Fino’ Chamorro.*

Rep. S. Torres: *Para u ma fatinasiha iyon-ña duties and responsibilities and not to be following the standard Assistant Attorney General’s duties and responsibilities. Ya gi masanganek-hu, ti gof guiya lokkue este na petsona ni para u ma hire just because they are related or close friends just to give her a special sweetheart deal.* We need to have an elected AG to answer to the people and not to three people only or one person in the Executive Branch. It should be an Attorney General for the entire Commonwealth including us, members of the Legislature if we need to ask the Attorney General for legal opinion.

Speaker Hofschneider: If there’s no objection, I’d like to ask the Vice Speaker to rise. I’m not going to take sides but I need to prod into the logic of why we should allow this legislation to go out on both sides because we have to discuss this. This is very critical whenever you attempt to amend the Constitution. No objection?

There was no objection.

At this time, Speaker Hofschneider stepped down from the dais; Vice Speaker Tenorio chaired the floor, and recognized Speaker Hofschneider.

Speaker Hofschneider: Mr. Vice Speaker, I would like to ask that we suspend tradition and practice and allow each member also to chip-in some of their ideas and understanding as to why the logic has to be supported. I'm not against the idea, I'm not in favor of the idea and I will present to you why. As the report have stated, there are other jurisdictions that are in the practice of electing their Attorney General. There is an attachment by the Deputy AG supporting an elected AG proposal namely this article is in quotation of then Deputy Attorney General Ramona Mangloña. In that respect she only stated that it is a fact that other jurisdictions have followed suit in electing their Attorney General. Let's bring the idea to the Commonwealth. At the most we can say that there's 70,000 populations. We're embarking in the third decade of local self-government. Nobody is in denial that we will be stumbling along the way as we mature in the democratic form of government and the practice of self-government. Nobody is in denial that we will practice the art of politics to the extreme as we have seen in the last two decades. I think that for the moment in time there are certain eras and periods in our growth, in governance, in economics and in social development. There are periods when we attempt to correct what we may view then as a perennial problem, a daunting failure, or ineptness or inadequacies in our laws and in our Constitution. That can be also applied with the idea of proposing to elect an attorney general. The good thing about having an elected attorney general is it will conform to the independence of the attorney general and applying or executing those duties and responsibilities as prescribed under the Constitution and laws of the Commonwealth. The current practice of having an appointed attorney general has the implication and the color that it has to somehow go more incline to a strong executive government rather than enforcing the laws and the Constitution of the Commonwealth at par. It is a theoretical concept that is ongoing in academics that when you're in the executive branch you advocate for a strong executive government. When you're in the legislature you advocate for a strong legislative branch. When you're in the judicial you advocate that side. That's why this triad of three branches of government works in the sense that there's checks and balances all throughout. When an attorney general is appointed by the Governor or the sitting Governor, in such a small island where everyone is related, almost everyone is related, it is difficult particularly when the office often times resort to the prosecutorial discretion and this, in the eyes of the people, is what plants the seed of injustices. Prosecutorial discretion is one that complicates the office. Salary caps, for instance, why couldn't the Attorney General prosecute or enforce the law but resort to prosecutorial discretion to hire an independent prosecutor. Why? Isn't the office shielded, insulated as prescribed in the Constitution? It is adequately provided. Our Office of the Attorney General is adequately provided. The problem is when those that are not supposed to be usurping or meddling in the affairs of the Attorney General insist upon that very interference or insistence, then it gives the appearance of the Attorney General somewhat questionable. What I worry the most is what we have seen as evidence in other jurisdictions where they elect their Attorney General. Here in the islands typically people will test those who aspire political careers, test the waters beginning with the Municipal Council, then they move up to the House of Representatives, then they move up to the Senate, then perhaps looking at the Commonwealth-wide and run for the Washington Representative. After being successful engaging the popularity, the acceptance of that candidacy Commonwealth-wide, he or she aspires to run for the highest office of the Commonwealth, the Governor. That is the traditional ladder of ascension. What appears to be quite concerning with this proposal is hypothetical because we never

had the opportunity to elect our Attorney General so I will give you a hypothetical case. Suppose that this election this initiative has already been passed in the last election and suppose there are candidates for the Attorney General now placed for the upcoming ballot and this is a gubernatorial election. No matter how we define a political or nonpolitical activity, the Board of Education is one of those that are not supposed to align themselves. Judges retention, for instance, are not supposed to align themselves with any particular party. Well, guess what? If this election also contains several candidates running for the Office of the Attorney General and he or she does not align himself or herself, particularly to a forth running team such as the Republicans, the Democrats or the Covenants, and that party wins the gubernatorial seat and that attorney general who is elected has no affiliation at all or more particularly if that attorney general that is elected is identified with the Democrats and the Republicans won the gubernatorial guess what's going to happen? There will be constant scrutiny to a point where you almost paralyze the executive role, to a point where you almost incapacitate the Executive Branch. Why? For all intents and purposes, people identify with the under dogs, but follow the big dogs. We love to subscribe to that principle and I hate to see an elected attorney general having the quiet aspiration of becoming a governor from day one in office create problems for an elected governor. I think that people have to rise to the challenge of insuring that when they go to the polling places they scrutinize candidates whether they be, Governors, House of Representatives or Senators or for what office. They have to scrutinize and be better responsible voters. We don't need to change the Office of the Attorney General. It's the appointment, the person appointing and the person that is appointed that should be scrutinized. Unfortunately, the House is not privy because of the Constitution giving that responsibility to the Senate. I think it'll be a healthier appointment process like the Office of the Public Auditor. It's the only office in the appointment and confirmation process that both houses have to concur. In essence what I'm saying is this may be just the medicine that will kill the patient rather than to save the patient may be just palliative in nature. Just because we may in fact disagree with the Governor on his appointments or disagree with the Governor at all, but the preservation of the institution is more critical. This may be in fact harder for people to talk about and grasp – and that's our job – that the emotions attached to it. I just fear that the Office of the Attorney General by way of having it elected will be forever politicized for ulterior motives, motives that may in fact present itself at any given time. We don't know of those motives. We don't know of those situations. I think there are evidences today in our community that we can honestly look at and turn and say we have come to maturity and that is public awareness. Our media are quite critical and that in itself awakens the consciences of people. We might not have to resort to extreme measures such as amending the Constitution to allow for an elected attorney general and not knowing the consequences thereof. On the other hand, what if the next gubernatorial produces another administration that may in fact present itself to being contentious in nature and presents another Office of the Attorney General in which things are not up to the expectation of the general public? We tend to react emotionally and not realize the long-term consequences. I think it's a matter of being totally responsible when we go to the polling places. Scrutinize the candidates running for a particular office. Ask the appropriate and right questions. The only resort that we can honestly lean on and it's almost facetious in nature to say but it is a fact – it is really easy to change the Constitution of the Commonwealth and that's sad. If you look at the original Constitution and the amendments thereafter and how many times we have in fact poked at the Constitution to change it to ensue particular eras, emotions and temperaments rather than really being focused on the real problem and that is us. Us. We use the institution for our self-centered purposes and neglect to check each other. The institution has to be preserved. Not us. We're using the institution to preserve ourselves and that is really the saddest part of our growing up. We tend to vote for our cousins because it is the right thing to do in spite of the fact whether they're not, perhaps they're not, qualified to run for that office. But we put him office and then turn around after being

sworn in and blame him or her. It's not the institution that is defective, it's us and we don't want to talk about it. We don't educate our kids in public school and private school about ethics, about morals. Whenever the educational institution insist upon teaching morality and ethics some brilliant member of the community rises to the challenge and say separation of church and state. Look where this brought us to – we backstab each other. For what? For self-preservation, not for the sake of the institutions of this Commonwealth. So there're both sides. There're good things for their immediate remedies. When you elect he's answerable to the constituents and we have not really evolved, we have not given enough time for judge's retention to see the long-term effect of good judges not being retained. And for the same, it can be applied with an elected attorney general. The nature of this community may not be unique but it is unique enough given the context of the social implication – *familia*. The political structure, the political activities, the political institution itself needs major revamping, major. So we have not really seen the positive nor the negative attributes of a judge's retention and we're embarking of an elected attorney general. There may be good judges, not popular when they decided on a case, but just happened to make a judicial decision that is right for the public but it hits to the greater population of this community belonging to one particular clan or family. But because they're presented before the electorates, he or she may not be retained and we lose quality judicial guidance. That's what I'm afraid of. But in terms of immediacy, yes, an elected attorney general must answer to the electorates.

Vice Speaker Tenorio: Speaker Hofschneider, your time is up.

Speaker Hofschneider: Thank you.

Rep. H. Palacios: I was going to say, Mr. Vice Speaker, I yield my time to him.

Vice Speaker Tenorio: You wish to continue?

Speaker Hofschneider: Yes.

Vice Speaker Tenorio: Please – no objection on the floor?

There was no objection.

Rep. Babauta: Clarification, Mr. Speaker.

Vice Speaker Tenorio: You have an objection...

Speaker Hofschneider: Mr. Vice Speaker, I also want to debate in vernacular because the people deserve to hear this.

Vice Speaker Tenorio: Can I...

Rep. Babauta: Mr. Speaker Hofschneider, before stepping down from the podium, I've recommended to the members to pitch in and I assume that while you were making comment on the issue the members can probably toss around ideas on the selected bill. Unless the Speaker objects to the issue of any member contributing comment during his comments, we'll respect that.

Speaker Hofschneider: Mr. Vice Speaker, all I'm saying is that in the remarks made by the author himself, I'm not privy to the details of why the former Attorney General Robert Torres resigned. In fact there may be disagreements but I cannot say that for certain because I do not have that facts before me. But I'm saying that all these occurrences perhaps made a negative perception on the Office of the Attorney General.

Vice Speaker Tenorio: I'm going to allow Speaker Hofschneider to go ahead and debate in vernacular for the next minutes please. Go ahead.

Speaker Hofschneider: Let's not do the politically correct thing because this is election year. We owe it to the people to explain why we need to vote yes or why we need to vote no. You may get re-elected, we may all get re-elected for having said the politically correct things and doing what is politically correct.

Vice Speaker Tenorio: *Siña fumino Chamorro hao, Speaker Hofschneider?*

Speaker Hofschneider: If it pleases you, Mr. Vice Speaker, I will speak in Chamorro.

Vice Speaker Tenorio: That's what you asked for.

Speaker Hofschneider: *Munga, membrus yan Mr. Vice Speaker, na para ta bota este na initiative para ta tulaika i Constitution ya para ta bobota i attorney general na indibiduat. Gi presente hayi na gubetno matachong guiya ha apupunta hayi para attorney general of the Commonwealth. Este na propositu para u tulaika i Constitution ya para u na posipble na i attorney general na indibiduat para u representa i Office of the Attorney General guine gi halom i Commonwealth para u ma ilih. Guaha minaolek-ña yan guaha binabaña. I minaolek-ña siña ha etyo ta alok tinisario na u ma'a'ña i attorney general ni umapunta gue para u enfuetsa i lai. Kulan enao pago i litratu na gaige este na aktu gi me'na-ta. Ta li'e guine gi alacha na hita mismo gi San Papa na Guma guaha atgumento-ta yan i Atministrasion pot etyo siha i salary cap violation ya siña ginen enao na guaha inatdisgusto osino chatkinunprende yan i Gubetno pot etyo siha na asuntu i debi di u ma enfuetsa ni attorney general. Siña ta bota este ya yanggen ma pasa ni publiko ya ilek-ña maolek-ña yanggen ta ilih i attorney general ya taya dibi-ña guatu gi eksekatibu osino guatu gi gubetno ni umapunta gue' inarekla lamitá gi prublema ni enao. I otru lamita debi di ta komprende na todus hit ha guine gi halom Commonwealth man parentis hit ya dikiki tano-ta, dididi hit na taotaogue guine gi halom Commonwealth. Pues ti sikreto lokkue na todus etyo siha i dumiseseha para u gatcha hulo i siyan i gubetno ginen papa ma tutuhon siha. Yanggen ma ililhi este Office of the Attorney General taya sigurao na etyo na indibiduat i ma bota Commonwealth-wide para u attorney general ha li'e i fuetsa-ña na ma guaiya gue ni botadot. Pues enlugat di hu enfetsa i lai pumulitika lokkue sa era ha li'e, ilek-ña siña bai na prublema este na atministrasion ya bai hu na li'e i publiko na hu chochogue checho-hu lao era guaha diniseha-ña para hu gubetno lokkue. Ya ta lili'e ha. Guaha siha na lugat gi stadus unides na kontodu i Lieutenant Governor ti parehu na pattida. Ma ililhi separao i Gubetno yan i Lieutenant. Ya yanggen Democrat manganna gi Lieutenant ya i Gubetno Republican mumumu i dos desdi i primet dia. Taya sigurao na ti hu inkubukao i tano sa i ma ilih na attorney general ha li'e minetgot-ña sa ha chagi Commonwealth-wide ma bota. Ilek-ña, hu na siña lokkue Gumubetno sa ma guiya yu. Humuyong atlibis etyo i prosecutorial discretion. Enlugat di hu satba through arbitration, through hafa na podet ma na'i i attorney general gi lai yan i Constitution ha fuetsa gumaluti sa para hu fa hemplo na ha chochogue' checho-ña era, esta ha payuyunin maisa chalan-ña para u gubetno. Enao gue' namanao-ña este na aktu. Lao minaolek-ña yanggen malagu*

hamyo enli'e uno na ti para u kinatbola ni Gubetno pues i ma ilih na attorney general ginagaogao sa taya dibi-ña guata sa ti guiya umapunta na i publiko umapunta gue' sa ma bota gue'. Pesa sa tod u dos guaha minaolek-ña, guaha binaba-ña. Ya kumu ti ta gof atan este enlugat di guaha minaolek humuyong mafañagu otru kánghelon gi halom i gubetnamento. Tres ramas ha i Constitution ha petmiti lao an un ilih i attorney general mumetgot sa i publiko pumega halom ti inapuntan i Gubetno. Humuyong otru ramas. Tinisario na u fachocho parehu sa guaha puntun-ña, guaha putdét-ña, guaha diniseha-ña para u magas. Enao gue' uno na asunto binaba-ña. Dikiki este i tano-ta.

Rep. H. Palacios: Mr. Speaker?

Vice Speaker Tenorio: Are you through, Speaker Hofschneider?

Speaker Hofschneider: But besides, Mr. Vice Speaker, I'll...

Rep. H. Palacios: No, I need to ask this question to Speaker Hofschneider.

Vice Speaker Tenorio: Proceed, Representative Palacios.

Rep. H. Palacios: Thank you, Mr. Vice Speaker. Speaker Hofschneider, I think what you're trying to say is that if the Attorney General is elected we could be in a dilemma. One way or the other he has the horn. He's between the horn.

Speaker Hofschneider: If the Office of the Attorney General is elected?

Rep. H. Palacios: Yes.

Speaker Hofschneider: No. He's no longer answerable and doesn't have to answer to the Governor. He just looks at the constitutional prescription and the laws of the Commonwealth and enforces it. That very office may be abused by that very person if elected. And what is the recourse in getting rid of an abusive attorney general?

Rep. H. Palacios: Okay. You're pointing at two sides to either support or not to support. Which one would you recommend the Legislature would do?

Speaker Hofschneider: I'm giving you both sides.

Rep. H. Palacios: So it's up to us to decide on?

Speaker Hofschneider: Exactly. That's why we have every member having the right to vote yes or no.

Rep. H. Palacios: Thank you.

Speaker Hofschneider: It's my job to present both sides.

Vice Speaker Tenorio: Floor Leader, are we allowed under the Rules to debate back and forth?

Floor Leader Attao: Yes.

Vice Speaker Tenorio: Recognized, Chairman Martin Ada, on the issue.

Rep. Ada: First of all, let the record show that I'm present, Mr. Vice Speaker. Thank you. The main purpose of this is to – okay, I agree with you, Mr. Speaker. It's not to entirely eliminate the politics of it but to minimize it as much as possible so that we have a fair attorney general. That is basically it. *Kontodu i chirigami' para etgue guaha na biahi na pumulitikat ha. Kumekelek-hu gaige ha i pulitikat todou, ha hatmi halom esta i halom komon-ta, esta i halom kusina-ta, esta i hanom ni ta gigimen pues prisisu na ta na menos papa. Dinananche hao, Mr. Speaker, ni u tamanu gaige ha siempre i pulitikat guihe.* For example, on page 2 on the Committee findings, about seven or eight sentences down, it says, "in Maine, the Attorney General is selected by secret ballot of the Legislature." That is one of the most political but it's still in fairness. I see fairness in this Legislature especially in the Thirteenth Commonwealth Legislature.

Speaker Hofschneider: Mr. Vice Speaker, since the good Chairman is present with us, I think now it's time for me to ask him...

Vice Speaker Tenorio: To debate on the issue.

Speaker Hofschneider: I think that everyone can be at ease in supporting this legislative initiative if your report, Mr. Chairman, starts to point factual cases whereby supporting the idea of having an elected Attorney General. Your report is merely from your feelings, presumptions. Where are the facts? What happened either in the last two years or the last twenty years of being a commonwealth and an appointed the Attorney General...[end of recording...beginning of recording]...that are so monumental to ask the people to now change the appointment process to an elected process. Can you please give us a good example? Has there been evidence that the Attorney General...

Rep. Ada: May I, Mr. Speaker?

Speaker Hofschneider: ...covers an illegal act of a sitting Governor whether current or past? What are the examples that necessitates this Committee in the House to report out that we have to ask the people to change the Constitution from an appointed process to an elected process? What are the factual cases whereby people can say, yes, I agree in the last how many Governors, the Attorney General has covered up on behalf of the Executive Branch? What are those occurrences? Yes, in the last six Attorney Generals who occupied the office, political cases were never moved. What are the cases? What are the factual bases?

Vice Speaker Tenorio: Speaker Hofschneider, thank you for your presentation. May I ask Chairman on the Committee on Judiciary & Governmental Operations to come up and do his presentation for five minutes?

Rep. Ada: No, I'll stay here.

Vice Speaker Tenorio: For the record, I recognize the Chairman on the Committee on Judiciary & Governmental Operations, Representative Ada.

Rep. Ada: Thank you, Mr. Vice Speaker. For the past how many Administrations have we – six – most of the problems with the Attorneys Generals are resignations from their position. How many resignations can you recall from different Attorney Generals in each respective Administration has occurred? It is almost like SARS. It comes in almost like an epidemic. Why? One wonders why they resigned. On a picnic table at a family gathering you would hear people discussing what is the real hidden reason of the resignation of a particular attorney general or deputy assistant attorneys general.

Speaker Hofschneider: What are they?

Vice Speaker Tenorio: What are the reasons?

Rep. Ada: I dare not deliberate, Mr. Speaker, on that. I don't want to come up with insinuation or assumptions as to wrong doings of previous administrations or any kind of implications. Thank you.

Vice Speaker Tenorio: Are you through, Representative Ada?

Rep. Ada: Yes. Thank you.

The Vice Speaker recognized Representative Palacios.

Rep A. Palacios: Thank you, Mr. Vice Speaker. I'm not really so much ready to debate this issue as much as to acknowledge the purpose and the intent of the legislation and also to acknowledge the caveat on the points that the Speaker has pointed out in terms of the dangers of changing the Constitution to have an elected attorney general. This is a small community. We have to acknowledge that and it would be very, very, very dangerous politically, as the Speaker had pointed out some of the scenarios of what might happen if we have this Office of the Attorney General subjected to the political process and therefore play along with the winds of politics. I think though that if you look at the both sides of the points that are being raised on this issue, I think that we must acknowledge that the Office of the Attorney General should have a very high degree of independence from influences both from the Executive Branch and the Legislative Branch. That is the bottom line. And how we reach that independence is what we must attempt to do.

Speaker Hofschneider: Point of clarification, Mr. Vice Speaker.

Vice Speaker Tenorio: Go ahead with your point of clarification.

Speaker Hofschneider: Before anyone gets confuse and before Representative Palacios, who has the floor continues, I want to make very clear where is the check and balance, where is the control of an elected attorney general in the proposed legislative initiative. In the instance when an elected attorney general comes in and begins rather than being a contributor to enforcing the laws of the Commonwealth begins to abuse the Office of the Attorney General for other ulterior motives, where is the mechanism whereby you can yank that attorney general out? The people have to have recourse. Who's going to get rid of him? Who's going to check him? The court is not given that authority. The legislature is not given that authority. The Governor is not given that authority to have some check on an abusive elected attorney general. Where is the mechanism? That's the point here.

Rep. H. Palacios: Point of information.

Vice Speaker Tenorio: State your point, Representative Palacios.

Rep. H. Palacios: If that's the case, then I think we just better forget about putting this on the ballot I think Speaker Hofschneider just pointed something out that would wake up to reality. We have three branches of government, the Executive, the Judiciary and the Legislature. Now who's going to take that attorney general out when and if it is screwed up?

Vice Speaker Tenorio: Your point of information is well taken, Representative Palacios. I think we have an opportunity to make amendments to this initiative if you have any. So can I recognize the author, Representative Stanley Torres, please?

Rep. S. Torres: I think that Speaker Hofschneider's statement on who's going to take care of an abusive elected attorney general, I think the answer is the people and I think the people have a recourse through recall process. Isn't that the standard for any elected position that the people are the authority? By looking at it, if this elected attorney general comes into place, I'll be looking at him from the outside and if he doesn't do his job, we will recall him.

The Vice Speaker recognized Speaker Hofschneider.

Speaker Hofschneider: This is the very thing. You cannot leave it on the basis of assumption. You need to clearly include remedies. You cannot assume that the people will recall. Why? Has there been a recall in the history of the Commonwealth since we became Commonwealth?

Rep. S. Torres: Almost.

Speaker Hofschneider: Well, almost doesn't cut it. So if you intend to have these measures to safeguard the very people who elect an abusive attorney general then we must put it clearly and distinctly clear in the legislative initiative. That's all I'm saying. To safeguard the very people voting you provide them with a way to recall or get rid of an elected attorney general who is potentially going to be abusive. We cannot leave it on the bases of assumption that people will take things in their hands. That's what I've been saying in the last fifteen minutes. When are we going to rise up to being responsible?

Vice Speaker Tenorio: Speaker Hofschneider, the recall provision of the Constitution is for elected offices. In this case, are saying that if the attorney general is elected that recall provision does not apply to this case?

Speaker Hofschneider: I'm saying it applies but has there been an example that we have come to maturity, that we can take things into our own hands? And have we had any recall since we became Commonwealth in spite of our objection of a sitting Governor, this Legislature, the House members, the Senate? Has there been a recall? The answer is no.

Vice Speaker Tenorio: But there is a mechanism as stated in the Constitution.

Rep. Ada: Yes.

Speaker Hofschneider: But it's defective in the sense that when a sitting attorney general in the future is a Hofschneider or belongs to Sablan, or belongs to Camacho or belongs to Guerrero, which is substantially big as a family of the Commonwealth, are we really going to see a recall? We had an example, Mr. Vice Speaker, in the Eighth Legislature when an attempted recall, impeachment of the Governor failed. It was a failure in exercise. Why? Because when the heat was turned up the people who advocated impeachment started running and hiding all for the need to preserve a political agenda then. So honestly, Mr. Vice Speaker, we're fooling ourselves if we do not have those provisions included in the legislative initiative that in the future, if we elect an attorney general who usurp outside the prescription of the Constitution and laws, or who abuses the power of the attorney general, the people must have a way of correcting it. And if the recall provision is sufficient, then think again. This community has never recalled an elected individual. Why? When tears begin to show in their faces that your uncle is the brother of your auntie, that you shouldn't do this, you're defacing the family, you're bringing shame to the family, you're going to think twice. You're going to forget about representing the rest of the population because you're going to preserve your own. So let's not kid one another. If we mean to support this then let's do it right. Let's provide all the mechanisms to safeguard because it's about the institution. It's not about the individual. It's not about who is going to come in being elected attorney general. It's about the institution. Maybe tomorrow, five years, ten years from now we're all going to be gone and the history of the Legislature and the institution is forever gone because we assumed, we rested our votes on the presumption. I don't want to urge you to vote for something that may just be presumptions.

Vice Speaker Tenorio: Can I recognize Representative Torres?

Speaker Hofschneider: Thank you, Mr. Vice Speaker.

At this time, Speaker Hofschneider returned to the dais and recognized Representative William Torres.

Rep. W. Torres: Thank you, Mr. Vice Speaker. I think, Mr. Speaker, the question should be not how many have resigned in the Office of the Attorney General as much as who has been fired for doing their job, for being independent, for doing the right thing. That should be the question. If you look at the history of the retention that the Speaker is alluding to it's almost a farce, it's almost a joke. All of the judges have been jokingly dismissed not retained. So the Speaker is correct, we need to re-observe and examine. Do a deep soul searching on the institution because we're talking about institution here. We're not talking about personalities. It's the institution itself that we need to preserve and we need to come to terms with. I cannot help but, as the Speaker examines this issue, think of the very notorious example of an elected Attorney General in Guam where the Attorney General basically acts like God. He frustrates the efforts of the Administration. For whatever reason, I don't know. But that's one clear example of the eminent danger of an irresponsible, somebody that may be potentially irresponsible in occupying the office through this mechanism for the sake of independence. Another example is the Lacey Peterson case in California where the Attorney General, an elected Attorney General that is, went on the media and proclaimed that this individual that was believed to be a suspect will be hanged, basically, without the benefit of a trial all in the name of publicity, all in the name of probably gaining mileage because that's the mood of the people at the time. Let's prosecute this individual. Let's kill him. Another prosecutorial indiscretion, I might add, occurred in San Francisco where the elected Attorney General summarily prosecuted all the police officers under the wings of the Mayor Willy Brown. Not too many years ago when President Bush was presumed to be the elected President the same thing happened again in

Florida. The election had to be tossed all the way up to the U.S. Supreme Court. Now that's the scenario that I think we need to be mindful of. There's nothing wrong with an elected attorney general just as there's nothing wrong with an elected public auditor. A point in fact, the Office of the Public Auditor is working just well. The Office of the Public Auditor went through a very tedious confirmation process involving the House and the Senate. Maybe we need to be looking at that kind of confirmation for the Office of the Attorney General. So I tend to agree that we really need to look at this situation carefully for the sake of the institution. The institution is at stake here and I don't believe, Mr. Speaker, that there was ever a public hearing on this particular initiative to kind of gauge the opinion of the public. A point in fact...

Speaker Hofschneider: I think it's the prosecutorial discretion of the Chairman on Judiciary & Governmental Operations.

Rep. W. Torres: Okay. And as the reporter pointed out, this was a very hot issue in the Third Constitutional Convention, which the people summarily dismissed. So I think we need to take this back to the people and I guess this is one way of taking it back but probably in the form of a public hearing and kind of hear what the people have to say before we rush the judgment on something that we may regret in the end. Thank you.

Rep. Ada: Just a few seconds, Mr. Speaker. What I don't want to personally see if I'm not here in this Congress in my official capacity – I'm already 45 years old and I've gone through the first Administration to the present Administration and all we hear with this Attorney General appointments are resignations. Perhaps the best thing to do is to take it, move it and create it independently so as to allow them to fully enforce the law and do their job without any political coercion or political influence from whoever appointed them.

Speaker Hofschneider: Mr. Chairman...

Rep. Ada: One of the best...

Speaker Hofschneider: Mr. Chairman, if I may interrupt you. For example, a candidate running for the Office of the Attorney General appears on the ballot but he or she is only with two or three years of experience but because he or she comes from a politically, I guess, large family, that individual may in fact pass muster and be voted in to be the Attorney General of the Commonwealth by de facto because, in fact, he or she comes from a strong politically active family. That's what we're saying here.

Rep. Ada: I believe our law allows a minimum of five years for anybody to be elected Attorney General. We can take that mechanism...

Speaker Hofschneider: Practice.

Rep. Ada: I mean practice. We can take that mechanism and put it in place and I'll allow for this committee report to be referred back again. I have no problems with that. Your input was very good and so as the others.

Speaker Hofschneider: Let me recognize members who have not spoken. Before I do that, the author, Representative Stanley Torres?

Rep. S. Torres: Just to make three pointers here, Mr. Speaker, before this initiative is voted down, for history purposes. The Bank of Saipan almost went down the drain because the involvement of the legal counsel of the Governor in overriding the Attorney General's function, and the fall of the independent prosecutor because the legal counsel of the Governor doesn't want to hire, recommends the Governor not to hire an independent prosecutor. The MRC purchase, the purchase of Pelligrino at the Marina was one of the...

Speaker Hofschneider: Arbitrated.

Rep. S. Torres: No. *I mas baba na negosio*, the worst negotiated compromise because of the Acting Governor at the time pressured the Attorney General and the Acting Attorney General or the Attorney General at the time agreed to do it anyway even if they concur that the settlement is not good.

Speaker Hofschneider: Mr. Chairman, those are the examples of factual bases where we can include in the report to be consumed by the people to make the right decisions and we have good fifteen, eighteen years of history. Don't just focus on the current. What are the problems that we have come to see in the past and current? Those are the cases that people are aware and sometimes dumbfounded as to the rationale behind it. I recognize, Representative Salas.

Rep. Salas: Thank you, Mr. Speaker. First of all, I would like to say that I'm glad that we're having this discussion on the Office of the Attorney General. I also would like to think that we do have a model on island, which is the Office of the Public Auditor. When Frank Villanueva was over at the Division of Revenue & Taxation, he has the qualifications and may not have the experience that Mike Sablan had, but Mike Sablan had the protection of the office having been confirmed by both houses and can only be removed by cause. Frank Villanueva didn't have that. He had to do his work and at the same time please the Governor. So it was our disadvantage. I'd like to see us move towards the direction also that we put a minimum requirement – because I do know that the Office of the Public Auditor and Office of the Attorney General has a minimum requirement. You do have to be a CPA or an attorney and I do know that the Office of the Public Auditor are concerned about the code, an attorney per se also has to be careful that he doesn't get disbarred. But I'd like to move in to offices that handles money in the CNMI such as Procurement, OMB and the Division of Revenue & Taxation that we put a minimum qualification in there and also the protection that the Office of the Public Auditor now has. Thank you, Mr. Speaker.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. One of the reasons that I wanted to this be introduced is so that we can have these kinds of debates. We are talking about the committee report and like our colleague, Representative William Torres, I don't see any reflection of a public hearing, whether there was any conducted. Just like the very controversial user's fee issue that was really my intention in trying to submit this to the floor and see what we'll do about it and debate on it. If we look at the issues or even the committee findings on this I'm really at lost, with all due respect. Also on the issues when you have the first sentence that the committee finds that there is a certain independence that goes with being elected by the people and then you have others on the issues of salary caps. Then you have other factors that are not here that we're recently shared or just now from the sponsor. I'm really a little bit confused. And most of the time we actually allow some bills to have a Cost

Analysis. I could not really connect on page 4 of 5 on the last paragraph. So I'm ready to vote on this committee report but maybe before we do that, I recommend and I move that we put this back to the committee to redo all these. Anybody second it?

Speaker Hofschneider: With one agreement that if we want to see this place on this election, then, Mr. Chairman, you have to produce a revised language and include those we have raised particularly those controls whereby if an abusive attorney general should ever be elected, the remedies of the public is to recall that individual and what are the tests for those. That is critical to ensure that the people have, in fact, a recourse in getting rid of who they elected and is abusive or just utterly usurping the un-prescribed powers of the Office of the Attorney General.

Rep. Ada: So ordered, Mr. Speaker.

Speaker Hofschneider: Representative Deleon Guerrero, before we recognize the motion.

Rep. Deleon Guerrero: Thank you, Mr. Speaker. I wholeheartedly agree that this is a very critical piece of legislation or initiative, one that requires great scrutiny and adamant public hearing, public comment period before we take any course of action on it. I'd also like to encourage the Chairman to hold a public hearing on this before I render any vote because right now just in my mind I've heard the arguments you presented, Mr. Speaker. I, too, am a little apprehensive about the implications of having this position become an elected position simply because as all of us who are elected are aware any time a person runs for office it's politics. I don't care how you look at it. A person to become elected has to – there are expenses involved. You have political contributions. You have special interest whether it be organizations or people that may endorse your candidacy or may not and because of that process that person may have to conduct himself, maybe beholden into certain groups or individuals. I'm also very concern that decisions that may be made by this person who becomes elected may be making decisions that may be out of or should I say may be making popular decisions rather than just going by the book. What may end up happening is it may have a reverse effect of the intended. The intended purpose is to insulate this institution, to depoliticized this institution, but by having it elected, the person may want to serve again. And as I look at the initiative, it does not prevent him from running again. So depending on this person's ambitions to be re-elected he may be making decisions that may be in fact contrary to its intended purpose. Because there is that possibility, Mr. Speaker, and because we do not have any cases or there are lack of cases where that has been demonstrated in the existing appointed attorney general I'm a little cautious about making a decision right now. In the existing situation, we have the Attorney General who is appointed by the Governor. If in fact that Attorney General is making decisions or is abusing his authority we have a course of action to remove that person through the Governor. We can either not appoint the Governor again or we can put pressure on the Governor to relief that person. Even if we do prescribe ways to remove this through a recall, the process actually makes it harder to remove that person rather than by simply going to the Administration and expressing our frustrations or concerns. So I'm just looking at it from all these different angles and right now I think we need more – one thing we need is more public input and two, I agree with you, we need to come up with more concrete cases that warrants this course of action. Thank you, Mr. Speaker.

Rep. H. Palacios: Point of information, Mr. Speaker.

Speaker Hofschneider: State your point.

Rep. H. Palacios: I am not too sure whether it's already in the bill but if it's not in the bill, Mr. Speaker, I'd like to recommend that the candidate for the position of the Attorney General cannot be part of any political party or affiliation.

Speaker Hofschneider: Do we all support the idea to refer it back to the Committee and, Mr. Chairman, report no later than Friday?

Rep. Ada: Thank you, Mr. Speaker. Yes.

Rep. Deleon Guerrero: So moved.

The Chair recognized Representative Arnold Palacios.

Rep A. Palacios: I just want to recommend, Mr. Speaker, to the Committee to also consider rather than just the bill but different alternatives of accomplishing giving independence and a little more statutory power to the Attorney General including what is thrown out on the floor and what has been offered, such as the case with the Office of the Public Auditor where he enjoys certain independence from undue influences. Thank you.

Rep. W. Torres: Point of clarification.

Speaker Hofschneider: State your point.

Rep. W. Torres: Do I take it, Mr. Speaker, that the instruction goes with the complimentary direction to hold a public hearing?

Rep. Ada: I have no objection for a public hearing, Mr. Speaker.

Speaker Hofschneider: Then you may do so in the immediate days because of reporting by Friday this week. I have a hunch that the Senate will oblige with this so we need to insure that all the things that we have some reservations are included and if we're going to support then we must make that all those things that we have touched on are included.

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

Speaker Hofschneider: State your point.

Rep. Tebuteb: I think this one is also calling for the next general election.

Speaker Hofschneider: Within ninety days.

Rep. Tebuteb: Ninety days.

Speaker Hofschneider: We don't have to spend money for a special election if we can meet the timetable before they start printing and translating those initiative that are already forwarded to the Election Commission. This can still meet the timetable. Representative Quitugua.

Rep. Quitugua: Thank you, Mr. Speaker. This piece of legislation is very fundamental because it does not only involve the Third Senatorial District. This involves the entire CNMI and if I may, I would like to respectfully recommend that a public hearing be held in all of the three islands so that the people that will be voting once this initiative is placed on the ballot fully understand what is the ramifications of their action for or against. And, Mr. Speaker, since this is involving the amendment of the Constitution it behooves this body to provide adequate public input so that, like I said, they fully understand what it is that they're going to be voting on. So I respectfully suggest, Mr. Speaker, that a public hearing be held. If they don't want the people of Tinian at least the people of Rota be afforded the opportunity to express their feelings.

Speaker Hofschneider: I'm pretty sure the Chairman on the Judiciary & Governmental Operations would love to fly down to Rota and Tinian. Floor Leader, move to refer back to the Committee and report at the earliest time no later than Friday.

Floor Leader moved to defer action on S. C. R. NO. 13-094 and refer it back to the Committee for public hearing and other meetings, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. We're now discussing H. B. NO. 13-112 reference S. C. R. NO. 13-095 and H. B. NO. 13-168 reference S. C. R. NO. 13-096. Chairman on the Committee on Health & Welfare, for the record please, what is the respite attempting to do?

Rep. Seman: Thank you, Mr. Speaker. Given the fact that there may be close to 800 local indigenous or locals that are in the Commonwealth who are disabled, we have quite a lot of caregivers that are providing services or providing care to these disabled individuals and are not receiving any form of payment or assistance while they are home taking care of these individuals twenty four hours a day. They cannot leave their patients and they cannot find work. Basically this bill is to provide for a respite service program and provide funding and giving the authority to the Council on Developmental Disability to manage this service at the same time giving them the opportunity to also write for federal grants while this service is in place and be the ones to manage it and send out applications to these caregivers to come in and apply. They will also be able to provide trainings and basically guidance on what is the proper way of providing this care. Because we don't have this in the Commonwealth through the collaboration of the Council on Developmental Disability they had requested for this specific program to be emplaced and I know for a fact that we may not be able to provide local funding at this time but they need this emplaced so that they will be able to start writing grants.

Speaker Hofschneider: Mr. Chairman, are we talking embarking in a convalescent home?

Rep. Seman: No. We're compensating the caregivers who are taking care of the individuals at home so that they do not have to send these patients to convalescent homes or hospital because these are patients who cannot be treated in the hospital. They are disabled. It's a developmental disability and not a medical illness.

Speaker Hofschneider: Would individuals who are of age 70, 80, 90 be qualified under the terminology of disabled or do you have to have a physical disability?

Rep. Seman: It's not very clear, Mr. Speaker, but according to the DD Council most of their clients are from birth to 18 whereas they have a developmental disability problem and they work together to

try and get them to par then they can be referred to vocational rehabilitations. But some of these children are permanently disabled, permanently homebound and cannot be serviced to get out of that stage. They call it vegetable.

Speaker Hofschneider: Aren't these individuals already receiving entitlements under federal programs?

Rep. Seman: The patients are but the caregivers are not and this is a service for the caregivers giving in consideration with our customs, we do not like sending our patients to a convalescent home.

Speaker Hofschneider: What are talking about in terms of total cost impact?

Rep. Seman: The bill requests for a five-year funding beginning with \$60,000 for the first year, \$60,000 for the second year moving up to \$350,000 the third year, \$680,000 the fourth and the fifth year but we really do not have to provide the funding right now. It does not request that we have to provide it right away. If we can provide funding in our next fiscal year budget appropriation we can, but so that Developmental Disability Council can start writing grants they would like to also have this emplaced and start receiving.

Speaker Hofschneider: Do we have numbers? Do we have a census on current population that will be eligible for this?

Rep. Seman: They have.

Speaker Hofschneider: Did we include here?

Rep. Seman: We included it in the first section of the bill.

Speaker Hofschneider: The 800 families?

Rep. Seman: Yes.

The Chair recognized Representative Babauta.

Rep. Babauta: Clarification from the Chairman, Mr. Speaker. I overheard him mentioning something about qualifications to these individuals. Would this apply to an imported caregiver?

Rep. Seman: Yes.

Rep. Babauta: Let's say a nonresident worker who is qualified to provide such care, would this nonresident worker be able to be paid out of that program?

Rep. Seman: They would be given in fact that federal funding is involved in this program.

Rep. Cabrera: I think in the manner that, for instance, a child is with this Developmental Disability and the primary caregiver is aging or have some limitations in the same manner, Mr. Speaker, that sometimes people with supplemental security income are allowed to pay domestic workers to take care of them. It's also applicable in this sense.

The Chair recognized the Floor Leader.

Floor Leader Attao: Mr. Chairman, is this a matching program?

Rep. Cabrera: I believe the purpose of the bill is to allow, to become eligible for federal assistance, Mr. Speaker, to provide such care. That's one of the reasons why we need to pass this bill so that they can then be eligible to apply for federal grants. I don't think it's a...

Floor Leader Attao: What I'm saying here is the request from the general fund. If you look at page 5, Section 8 Authorization for Appropriation for the first year we need \$60,000. I don't know whether this is for the implementation for the program or this is matching due the CNMI to this program.

Rep. Seman: There's no matching requirement. This is just...

Speaker Hofschneider: What is the \$60,000 in other words going to be used for?

Floor Leader Attao: I'm alluding to that, Mr. Speaker.

Rep. Seman: It's an estimated cost on how much they need to start it going. Actually to fund it it's about \$680,000 to try and provide compensation to the caregivers. Given the fact that they will be applying for federal grants, this can be lowered because this is an estimation of how much it would cost federal and local.

Floor Leader Attao: I raised that question, Mr. Speaker, because on the Cost Benefit Analysis, it doesn't mention anything about federal side.

Rep. Seman: But it's not matching. No matching is required. If they apply for \$350,000 then you can minus that from there. That is an estimate of how much a year it will take to run the service.

Speaker Hofschneider: What the Floor Leader is worried about is the impact that it would have on current internal resources and at the moment 800 families at \$60,000 appropriation comes up to \$75.00 per family. Is that the intention of the Committee?

Rep. Seman: Yes, Mr. Speaker.

Speaker Hofschneider: Okay. Any other comments? Representative Quitugua.

Rep. Quitugua: Thank you, Mr. Speaker. I think the intent of the bill is very noble to take care of our disabled people. I'm just wondering, Mr. Speaker, about the present set up, whether the Council on Developmental Disabilities aren't able to seek general funds through application. Is there anything on the current set up that would prevent them from applying federal grants?

The Chair recognized Representative Cabrera.

Rep. Cabrera: Mr. Speaker, I think that for a lot of the departments the opportunity to apply for federal grants is pretty open without any requirement. But when an agency, such as the

Developmental Disabilities, I'm not particularly sure in this instance. The message that we got was that we are required to have mechanism emplaced to allow the federal agency to know that we are very serious about what we intend to apply the federal funds to. Currently, we don't have any mechanism emplaced. That was one of the reasons that they requested that we work on this particular bill. So I'm assuming that by that request for this particular type of service they do need a mechanism emplaced to safeguard whatever federal monies they're authorized. At the same time, Mr. Speaker, I think with the terminology respite means a temporary relief of having to take care of someone with special needs. So alluding to initial question of when you breakdown the figure that you see on the current bill, it basically comes down to about \$75.00 per family. So I think that...

Speaker Hofschneider: And it goes up to \$450.00 per family based on your Cost Benefit Analysis on the first sentence of that paragraph.

Rep. Cabrera: Right.

Speaker Hofschneider: Assuming there's no growth on the 800 families at a fully funded program of \$360,000 it comes up to \$450.00 per family.

Rep. Cabrera: Yes, sir.

Speaker Hofschneider: Representative Quitugua, you have the floor.

Rep. Quitugua: Thank you. Just based on my past experience with federal assistance to supplement local funds, often times you find yourselves responding to conditions set by the grantor. I'm wondering whether in seeking to tap federal assistance to supplement the ongoing program that additional conditions will be set whereby eventually the CNMI is going to be burden in following with programs subsidy once the grant is terminated. And I'm also wondering, Mr. Speaker, whether rather than in a form of a bill that in a form of a joint resolution or a resolution will suffice.

The Chair recognized Representative Cabrera.

Rep. Cabrera: Mr. Speaker, I think that to a greater extent the CNMI government is economically burdened already in the absence of such programs. One example where in order for you to be eligible for federal grants is the child support issue. For example, you have to have the mechanism emplaced before you can be authorized to apply for grants to assist families. We have a lot of kids with developmental disabilities and other types of disabilities that tend to be neglected in terms of their needs and ultimately the costs burden falls on the government in the form of having to deal with parents or primary caretakers that do not adequately provide care and so forth.

Speaker Hofschneider: Representative Cabrera, are you saying that the individuals, are being neglected by their own families and we're trying to supplement the neglect?

Rep. Cabrera: No. What I'm saying, Mr. Speaker, is that there is the increase risk of individuals of certain special needs to become neglected not necessarily by choice but because some caretakers are not properly trained and so forth to give the care to their children and it befalls upon programs such as this to do that. If we don't, it still befalls upon the government to address those types of issue and if the recommendation is to address this particular type of concern in a different form to prevent the

government from having some form of liability to some extent, we already have that economic liability.

Speaker Hofschneider: Are we ready?

Floor Leader Attao voiced, “ready.”

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, just a short comment. I’m in support of the bill because I know that none of us here would like to seek convalescent homes and our people are pretty well taken care of by the extended family system. But we do have people who are from outside that are disabled and currently getting maybe public housing and other federal assistance but these people need these types of services especially those that are coming in and they don’t have families that are here and we can’t stop them from coming. I raised this issue with NMPASI a couple of weeks ago and while we all realize that we don’t any convalescent home to take over our extended family system we do have to address the growing problems of other people coming in to reside in the Commonwealth who are in these categories. So I ask the support of the members to recognize this as a problem, it’s a growing problem and we need to address it now. I think this particular bill opens an opportunity for us to look into federal grants that we can accept ourselves to address the growing problem.

Floor Leader Attao voiced, “ready.”

There was no further discussion, and the motion to adopt S. C. R. NO. 13-095 and S. C. R. NO. 13-096 was carried by voice vote.

Speaker Hofschneider: S. C. R. NO. 13-095 and S. C. R. NO. 13-096 are hereby adopted by the House. Floor Leader, since we have the Administrator and the legal counsel of the Retirement Fund, may we touch the budget so that we ask relevant questions and then dispense of them and then we’ll take a short recess, if there’s no objection on the floor?

There was no objection.

Speaker Hofschneider: We move to Bill Calendar.

Floor Leader Attao: Mr. Speaker, before we go to Bill Calendar, I would like to make a motion to go to Resolution Calendar so that we can adopt H. C. R. NO. 13-003 before we touch the budget.

Speaker Hofschneider: Okay.

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader moved for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the placement and adoption of H. C. R. NO. 13-003, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader moved for the adoption of H. C. R. NO. 13-003, was seconded and carried by voice vote.

H. C. R. NO. 13-003: A HOUSE CONCURRENT RESOLUTION TO IDENTIFY AND APPROVE THE FINANCIAL RESOURCES OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS GOVERNMENT FOR FISCAL YEAR 2004 IN ACCORDANCE WITH THE PLANNING AND BUDGETING ACT, AS AMENDED, SPECIFICALLY 1 CMC § 7201(D).

Speaker Hofschneider: H. C. R. NO. 13-003 is hereby adopted by the House.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader moved for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the passage of H. B. NO. 13-355 on First and Final Reading, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader moved for the passage of H. B. NO. 13-335 on First and Final Reading and was seconded by Rep. Babauta.

H. B. NO. 13-335: A BILL FOR AN ACT TO MAKE APPROPRIATIONS FOR THE OPERATIONS AND ACTIVITIES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, ITS AGENCIES, INSTRUMENTALITIES, AND INDEPENDENT PROGRAMS, AND TO PROVIDE BUDGET AUTHORITY FOR PUBLIC CORPORATIONS FOR FISCAL YEAR 2004; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage of H. B. NO. 13-335 reference the Fiscal Year 2004 Appropriations Act on First and Final Reading has been seconded. Discussion on the bill. May we have a motion to resolve into Committee of the Whole?

Floor Leader Attao moved to resolve into Committee of the Whole to invite the Retirement Fund Administrator, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried.

The House went into Committee of the Whole at 1:05 p.m.

COMMITTEE OF THE WHOLE

The House returned to plenary session at 1:50 p.m.

Floor Leader Attao moved to dissolve the Committee of the Whole, was seconded and carried by voice.

Speaker Hofschneider: Motion carried. We'll recess for lunch and be back at 2:30 p.m.

The House recessed at 1:50 p.m.

RECESS

The House reconvened at 3:04 p.m.

Speaker Hofschneider: We're back to our session and we're discussing H. B. NO. 13-335, the Appropriations Act of 2004. For the record, we have with us David Hutton from the Office of the Attorney General and he would like a few minutes with us to raise some concerns that are important to the office. With that, I recognize the Floor Leader for a motion to resolve into Committee of the Whole.

Floor Leader Attao moved to resolve into Committee of the Whole to invite the Office of the Attorney General to present some issues relative to the Appropriation for Fiscal Year 2004, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried.

The House went into Committee of the Whole at 3:05 p.m.

COMMITTEE OF THE WHOLE

The House returned to plenary session at 4:18 p.m.

Floor Leader Attao moved to dissolve the Committee of the Whole, was seconded and carried by voice.

Speaker Hofschneider: Motion carried. We're back to our plenary session. Short recess.

The House recessed at 4:18 p.m.

RECESS

The House reconvened at 4:58 p.m.

Speaker Hofschneider: We're back to our session and we're still discussing H. B. NO. 13-335. After receiving the Office of the Attorney General, there is a need to realign some programs as a result of the Executive Order moving the Immigration under the Office of the Attorney General. The office represented by David Hutton justified the need to also move the deportation funds now identified under H. B. NO. 13-335 under labor appropriation move it over to the Immigration. So with that, I recognize the Floor Leader to make the appropriate amendments.

Floor Leader Attao: Thank you, Mr. Speaker. I would like to offer an oral floor amendment on page 21, Article 2 Office of the Attorney General Appropriations and Accompanying Conditions and Restrictions, Subsection 5201, line 7 change “Nonpersonnel” from “\$65,327” to “\$125,327” and change the “Total” from “\$2,282,756” to “\$2,382,756”. On line 12 insert “(6)”, under “Personnel” insert “\$278,013”, under “Nonpersonnel” insert “\$151,893”.

Vice Speaker Tenorio: Line 12?

Speaker Hofschneider: On line 12 on the bill, add “item (6)”. You have number 1, 2, 3, 4, 5 Division of Immigration right underneath add number “(6)”. Continue, Floor Leader.

Floor Leader Attao: “(6) Deportation Fund Program” and the total for that is “\$429,906”. Under same Article, Subsection 5202, line 24 strikeout “total” and insert “(6) Deportation Fund Program” and under “FTE allocation” add “8”. So the new total would be “146 FTE”. Is that clear?

Speaker Hofschneider: Do you want it to be repeated or is that clear?

Vice Speaker Tenorio: On Subsection 5201 please?

Speaker Hofschneider: On line 12, Floor Leader, can you repeat?

Floor Leader Attao: Yes. That’s subsection 5201 right?

Vice Speaker Tenorio: Yes.

Floor Leader Attao: On line 12 strikeout “Total” and insert “(6) Deportation Fund Program.” Under “Personnel, \$278,013”, “Nonpersonnel, \$151,893” and the total is “\$429,906”.

Speaker Hofschneider: The total will change?

Floor Leader Attao: The total will change by that much. I have the total right now, Mr. Speaker.

Speaker Hofschneider: Okay. That’s fine.

Floor Leader Attao: On Section 5202, line 24 strikeout “total” insert “(6) Deportation Fund Program”. Under “FTE allocation” insert “8” and change the total from “138” to “146”. That’s the new total.

The motion was seconded.

Speaker Hofschneider: Floor Leader, before we recognize the motion, you want to continue and strikeout...

Floor Leader Attao: Right. Thank you, Mr. Speaker. On page 26 on Article 5. Department of Labor Appropriations and Accompanying Restrictions and Conditions, subsection 5501, line 23 strikeout “(6) Deportation Fund Program” in its entirety. Under “personnel” strikeout “\$278,013”, under “Nonpersonnel” strikeout “\$151,893” and on the “Total Appropriation” strikeout “\$429,906”.

Speaker Hofschneider: And the new total would be?

Floor Leader Attao: The new total would be...

Speaker Hofschneider: Reduced by that.

Floor Leader Attao: Okay. On page 27, line 9 strikeout "(6) Deportation Fund Program" in its entirety, strikeout "8 FTE" and the new total for this is "101".

The motion was seconded.

Floor Leader Attao: One more, Mr. Speaker. On page 49, Chapter 10, Appropriations: Independent Programs, Article 1. Appropriation for Independent Programs, Subsection 10101, line 12, number (3) Retirement P.L. 8-31 reduce "\$1,000,000" to "\$900,000" on the Nonpersonnel.

Speaker Hofschneider: On page 50, you have to change the bottom line.

Floor Leader Attao: The total is "\$7,860,873".

Rep. Cabrera: No. It's 7,017...

Rep. Deleon Guerrero: *Kontodu i 7 million.*

Rep. Cabrera: Yes. So it becomes \$7,017,953.

Speaker Hofschneider: Yes. And on the second column is \$7,860,873. There are two columns you must adjust. Any second?

The motion was seconded.

Floor Leader Attao: Mr. Speaker, can we hold on to that, I have another oral floor amendment?

Speaker Hofschneider: Before recognizing the motion, Floor Leader, you may continue.

Floor Leader Attao: Mr. Speaker, on page 36, Article 9A, Appropriations to the Department of Public Works and Accompanying Conditions and Restrictions, Subsection 5901A, line 20 under Nonpersonnel "\$50,000 shall be reserved from the total budget of \$341,336 for the survey of Kannat Tabla road project".

Speaker Hofschneider: Floor Leader, you may want to offer a footnote on line 24 relative to number (5) Roads & Grounds Division to reserve the \$50,000 of the \$341,336 Nonpersonnel cost.

Floor Leader Attao: Yes, Mr. Speaker. A footnote under the Roads & Grounds Nonpersonnel cost on line 24.

Speaker Hofschneider: So it would read \$50,000 reserved...

Floor Leader Attao: \$50,000 shall be reserved from the Nonpersonnel for the survey cost for the Kanat Tabla Road project.

The motion was seconded.

Speaker Hofschneider: Counsel and clerk, is that clear? Okay. Are we done?

Floor Leader Attao: Yes, Mr. Speaker.

Rep. Babauta voiced, “ready.”

Speaker Hofschneider: Ready. It may sound a lot but it’s really just moving the Deportation Funds and striking out appropriate sections.

There was no discussion and the oral floor amendment offered by Floor Leader Attao to H. B. NO. 13-335 was carried by voice vote.

Speaker Hofschneider: The oral floor amendment offered by the Floor Leader is hereby adopted by the House. We’re back to discussing H. B. NO. 13-335 as amended.

Floor Leader Attao: Mr. Speaker.

Speaker Hofschneider: Yes.

Floor Leader Attao: I have a written floor amendment that has been already distributed to the members for their review.

Rep. Babauta seconded the motion.

The written floor amendment offered by Floor Leader Attao to H. B. NO. 13-335 is as follows:

H. B. NO. 13-335 is hereby amended as shown below:

On page 29, Section 5603, a new subsection (e) shall be added as follows:

“(e) \$50,000.00 shall be reserved from the total budget of \$14,300,714.00 for the implementation of the approved reclassification for Bureau of Motor Vehicle employees.”

On page 54, line 16, add a new Section as follows:

“Section 13101. Lapsed Funds. Fifty percent of all lapsed funds at the end of every quarter shall be reserved for payment of the civil service employee within-grade increases that were affected by the austerity measures retroactive to FY 2001 and 50% shall be paid to CUC for past due utilities owed by the CNMI government. Subsequent sections shall be renumbered accordingly.”

On page 34, Article 9, Section 5901, line 22, subsection (2) Agriculture Division under Non-personnel: \$150,00.00 shall be reserved for the procurement of machinery, equipment, and parts.

Speaker Hofschneider: Discussion on the written floor amendment. This is a necessity and it even shouldn't really be inserted but we have to. These are the handful of employees that have been overlooked for over eight years and most of them are in the bracket of \$8,000 and \$11,000. And for the protection of those, since we have appropriated funds for the overall law enforcement personnel, firemen and police officers have been built into the appropriation under DPS for an increase in salary as we have committed. Since in the current budget we did not fulfill that. We needed to move money to priority. Now that priority has been met. It is incumbent of this house to live up to the classification. Also on page 54, line 16 in the event there are lapsed funds it shall be reserved and 50% of all lapsed funds at the end of each quarter shall be reserved for the payment of the civil service employees due to the austerity measures retroactive to FY 2001 and 50% shall be paid to CUC for past due utilities owed by the government. And on number 3, page 39, Section 5901, line 22 under Agricultural Division Non-personnel reserving \$150,000.00 for the procurement of machinery, equipment, and parts. Representative Tebuteb.

Rep. Tebuteb: The floor amendment on page 54 would have a new Section 13101. Just a clarification on the next...

Floor Leader Attao: Subsections shall be renumbered.

Speaker Hofschneider: Subsequent numbers shall be renumbered. Counsel and clerk, is that clear? Ready?

Several members voiced, "ready."

There was no further discussion, and the written floor amendment offered by Floor Leader Attao to H. B. NO. 13-335, HD1 was carried by voice vote.

Speaker Hofschneider: The written floor amendment is hereby adopted by the House. Representative Deleon Guerrero.

Rep. Deleon Guerrero: Thank you, Mr. Speaker. If there's no objection, I'd also like to offer one oral floor amendment on page 19.

There was no objection.

Rep. Deleon Guerrero: On page 19, line 3...

Vice Speaker Tenorio: Line 4.

Rep. Deleon Guerrero: *Line 3 sa nisisita naya ta amenda etyo i LIIDS.*

Speaker Hofschneider: Oh, that's right. Okay.

Rep. Deleon Guerrero: Under LIIDS on Nonpersonnel the amount "\$133,466" would be amended and it would read "\$100,000".

Rep. Babauta: Clarification. \$100,000 straight?

Speaker Hofschneider: Yes.

Rep. Deleon Guerrero: On line 4 strikeout “total” and include “Item (26)” shall read “Commonwealth Telecommunication Commission”. Under Personnel it would show “\$33,000”, under Nonpersonnel it would show “\$466.00” and then on line 5 would show “Total”, the total Personnel would show “\$9,690,851”, and on Nonpersonnel it would show “\$5,822,823”. On page 20, line 2, Mr. Speaker, strikeout “total” and have an “Item 25”, which would read “Commonwealth Telecommunication Commission”. Under FTE Allocation it would show “3”, on line 3 would show “Total (FTE Ceiling)” and the figure “264” would increase to “267”. Thank you, Mr. Speaker.

Floor Leader Attao seconded the motion and was carried by voice vote.

Speaker Hofschneider: The oral floor amendment offered by Representative Deleon Guerrero is hereby adopted by the House. We’re back to discussing H. B. NO. 13-335 as amended. Discussion on the bill. Representative Cabrera.

Rep. Cabrera: Thank you, Mr. Speaker. I want to offer one floor amendment on page 36, line 19.

Speaker Hofschneider: Page 36, line 19?

Rep. Cabrera: No, I’m sorry. That’s line 20.

Speaker Hofschneider: Line 20?

Rep. Cabrera: Yes. The \$50,000 that the Floor Leader originally reserved for road survey I want to increase that to “\$100,000”, “\$50,000 for survey or for various Precinct IV road project”. There are a couple of roads that need improvement in Precinct IV, Mr. Speaker, and DPW needs money to survey.

Speaker Hofschneider: Short recess.

The House recessed at 5:20 p.m.

RECESS

The House reconvened at 5:21 p.m.

Speaker Hofschneider: We’re back to our session and we’re still discussing the budget as amended. Ready?

Several members voiced, “ready.”

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: This is not an amendment. I looked at Section A, this is the summary appropriation sheet and I’m comparing it with the...

Speaker Hofschneider: You’re talking about this accompanying...

Rep. Tebuteb: Yes. And I'm comparing it with P. L. 13-24 on Personnel. The number of FTE remain 119 for...

Speaker Hofschneider: Section 8?

Rep. Tebuteb: Section A Judicial Branch.

Speaker Hofschneider: Okay.

Rep. Tebuteb: We have 119 FTEs and I'm comparing it with the present budget. It's the same 119 FTEs but the total is different.

Speaker Hofschneider: The personnel cost went down in other words?

Rep. Tebuteb: Yes.

Speaker Hofschneider: That's because of the need to cut and balance the budget for other purposes such as the bus, the juvenile, which has never been programmed under – and the others that we have funded as a priority. That's where the money went. So we needed to adjust all those vacant positions that were never filled. So this is about a vacant position that was budgeted before. Now we took it out. The money was taken out to balance the budget out. The FTE is still allotted to the branch.

Rep. Deleon Guerrero: Mr. Speaker, I believe the concern raised was if the funding went down but the FTEs are still intact that may mean cutting funding for...

Speaker Hofschneider: If you have 30 FTEs approved under the current fiscal year and you only have 25 that are actually filled and being paid out of the appropriation, you have 5 vacant positions or unfilled positions in other words. So those were the items that were taken out to balance the budget. If it is the pleasure of the body to reinstate that, then I welcome any one to find where we're going to reinstate that.

Rep. Deleon Guerrero: As long as it doesn't apply to existing personnel cuts.

Rep. Tebuteb: Okay.

Speaker Hofschneider: What is the position of the House?

Rep. Tebuteb: Clarification.

Speaker Hofschneider: State to clarify.

Rep. Babauta: My good colleague here is only clarifying to find out the information why the rationale of the same number of FTE versus – it's okay.

Speaker Hofschneider: What is your point? What is...[end of recording]

Rep. Deleon Guerrero: [beginning of recording]... does not affect existing personnel and I guess the concerns addressed.

Speaker Hofschneider: Thank you. Any more? Representative Ada?

Rep. Ada: No, sir. I raised the concern of those suspension with the Floor Leader and I offered a future...

Speaker Hofschneider: Let's take a short recess.

The House recessed at 5:25 p.m.

RECESS

The House reconvened at 5:36 p.m.

Speaker Hofschneider: We're back to our session and we're discussing H. B. NO. 13-335 as amended. Any further discussion on the budget?

Rep. Ada: I move to end debate.

Speaker Hofschneider: We we're discussing the need to restore the Judicial Branch before we recessed. Representative Torres.

Rep. W. Torres: So you're saying that essentially you're just removing the lapse funds from the Judicial Branch but maintaining their FTE?

Speaker Hofschneider: The current employment.

Rep. W. Torres: The current employment. So that means that the 5 unfilled FTEs will not be filled in the future?

Speaker Hofschneider: It cannot be filled unless there is an identification of new resources beyond the \$213 million sanctioned by the House Concurrent Resolution.

Rep. W. Torres: Right.

Speaker Hofschneider: As a supplemental appropriation.

Rep. W. Torres: Right. But you still give them the FTE as in the past?

Speaker Hofschneider: Correct.

Rep. W. Torres: So that means that if they identify revenue then they could very well fill that?

Speaker Hofschneider: Exactly.

Rep. W. Torres: From whatever source may very well be – okay.

Speaker Hofschneider: All the Governor needs is to let us know that there is a supplemental appropriation and it's being specifically requested to appropriate to the Judicial Branch with the current FTE already approved.

Rep. W. Torres: And these lapse funds, Mr. Speaker, are basically from unfilled positions?

Speaker Hofschneider: This is a result of the previous austerity measures that out of cost containment they were told not to fill these positions and all throughout the year these positions were never filled. So it is only appropriate to continue that given the resources that we have we need to make that judgment call and the Committee made that. Unless you want to take the time and look for areas you want to cut but I'm telling you, look at the numbers right in front of you. There's practically no area to cut.

Rep. W. Torres: I guess the fact remains, Mr. Speaker, that they can always go back and request for...

Speaker Hofschneider: Yes. The critical component of this new budget is really on the section requiring that the Department of Finance remit the full amount of employer's contribution on a bi-weekly basis. That's going to be taxing. So regardless of what the appropriation for each department or branches of the government, it will not matter because the priority will be given on a bi-weekly basis to the Retirement Fund. In terms of the cash flow situation at the Department of Finance the competition between on a bi-weekly basis in two: one is that payroll be held, \$856,000 shall be remitted to the Retirement Fund. So even if you manage to restore the level prior to the austerity measure for the Judicial Branch it will not really matter because then there will be an imposition of controls because of the new provisions that we have added for the Retirement Fund. Ready?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-335, HD3 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	yes

Rep. N. Palacios: Mr. Speaker, for the record, I understand that our revenue collection is low and we're still under austerity measures. I also understand that we have other obligations to pay such as the Retirement Fund's employer/employee contributions, reductions of deficit obligations that we need to retire. We are also giving the Public School System additional funding, which I am in full support of all those concerns. But the Second Senatorial District is getting a big cut of about \$1 million less from the last Fiscal Year therefore I will vote no. Thank you.

Rep. Norman S. Palacios	no
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: By a vote of 16 “yes”, 2 “no”, H. B. NO. 13-335 as amended passes the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Mr. Speaker, we move back to Resolution Calendar.

Speaker Hofschneider: I want to thank you guys to have a budget out. It’s one of, if not the most, important task of the Legislature and I want to let you know I appreciated your understanding. Representative Quitugua.

Rep. Quitugua: Mr. Speaker, I’d like to make a motion to reconsider the Governor’s Integrated Fiscal Plan. For the record, Mr. Speaker, I’d like to have the House reconsider the Governor’s proposal, the IFP.

Rep. H. Palacios: Can you clarify that?

Speaker Hofschneider: The good Representative is soliciting the House or the body to reconsider acting on the Governor’s previously submitted Integrated Fiscal Plan, which proposes to increase numerous taxes and fees. I believe that the House has acted on and your request is appropriate and in line. You’re in order. It is the body that now must consider if we are going to revisit, resurrect or reconsider imposing new taxes and fees, but we must substantiate the rationale behind why we’re attempting to do so. If the body wants to discuss this and deliberate on it state so, otherwise we move on. Representative Babauta.

Rep. Babauta: Thank you, Mr. Speaker.

Speaker Hofschneider: Are you supporting the motion?

Rep. Babauta: Not at this time, Mr. Speaker, because the body have already disposed its action relating to the previous request. Unless the body wishes to resurrect the issue I don’t know what proper parliamentary procedure we need to look upon to see whether or not the distinguished gentleman from Rota would officially request the Chairman to resurrect the so-called IFP.

Speaker Hofschneider: The proper order of business is really for one to take the bill that was filed and reintroduce it. But since this is an oral request he is in order and it’s up to the body to consider. Representative Stanley Torres.

Rep. S. Torres: I am willing to reintroduce the plan provided I’d like to know in advance that the House would support all of them. As you know that there is a controversial bill in that package, the garment user fee.

Speaker Hofschneider: What is the mood of the body? May I see a raise of hands in the affirmative to move on with the issue of resurrecting the plan?

Floor Leader Attao: You're placing that into vote, Mr. Speaker?

Speaker Hofschneider: Yes, just a raise of hand if there's sufficient to call a roll, if not, then we dispense of that and move on to the next agenda.

Floor Leader Attao: Move for reconsideration or move for reconsideration and kill?

Speaker Hofschneider: No.

Floor Leader Attao: I think our economy is bad, Mr. Speaker, and if we are to impose additional taxes to the businesses, instead of helping them, we're killing them. So I don't think it's proper at this time. Wait until next year and see whether the economy is improving. It's kind of hard for me to support that kind of economic stimulus. I cannot support that.

The Chair recognized Representative Arnold Palacios.

Rep A. Palacios: I tend to agree with the Floor Leader, Mr. Speaker. In this kind of equation, you raise the resource base, which is a tax base that is being proposed here, to fund existing level. You cannot raise taxes to fund and it was a hard decision to look at cuts for the different programs. I think over the past two years that we sat here and deliberated and expounded about how we can efficiently run the government and how we should cut costs of this government, it was hard. This is not just looking at my colleagues from the First and Second Senatorial Districts. Believe me, it's not just First and Second Senatorial Districts that was cut. We cut a lot of programs. The Judiciary, the Legislative, the Executive Branches so that we can balance this budget. I don't believe burdening our businesses to continue on this spending level is justified at this point in time. I don't think we should revisit that and that is the whole sentiment when we rejected it in the beginning. I wish the economy was in good shape that we can raise these taxes. We're fighting for visitors, tourism and we're proposing to increase the occupancy tax when other jurisdictions in order to improve the economy on tourism industry, they decrease the taxes to entice tourism. We're doing exactly the opposite. We continue to fund a spending level that we know we cannot really afford. So we need to balance this thing. Sometimes we have to raise taxes to fund something, sometimes we just have to cut expenses and that's a reality. Thank you.

The Chair recognized Representative Herman Palacios.

Rep. H. Palacios: I share the concern that my nephew had just said, Mr. Speaker. I feel sorry for Rota and Tinian losing a million dollars each, but I believe it's just part of the issue that when we don't have enough we cannot continue to ask for more. Thank you.

Speaker Hofschneider: May I ask the good Representative from Rota – what motivated you to ask the House to resurrect the IFP?

Rep. Quitugua: Well, Mr. Speaker, I don't know about the rest of the members but I was never engaged on a serious consideration, deliberation on the issue. As you may recall, Mr. Speaker and

members of the House, as soon as the Governor submitted that to the House some of our members have taken firm decision not to entertain it. I just felt that the entire membership of the House of Representatives never seriously and accurately sat down and considered one, if not all, of the proposed plan. Some of us, like I said, have taken earlier position prior to sitting down and considering if all of that proposal merit the affirmative decision by this house. They have never done that, Mr. Speaker. We have discussed the issue when it was brought up but it was never in a serious sense where we have engaged the statistical analysis as to its impact both, adversely and positively. At least that's the position that I have taken. Had we taken a serious deliberation on the issues and have concluded that because of the economy is such, therefore, the people cannot afford such an increase in fees, for example, not necessarily the tax. Although some of us may have considered and has classified some of the proposals as tax increases, I happen to believe not all of those are tax increases. Sure there will be additional cost involved in the proposal but, in my opinion, I think it may not be the entire percentage and maybe we can consider a lesser amount. We have never engaged in that kind of debate, Mr. Speaker.

Speaker Hofschneider: I believe that in a cursory review by the Chairman on the Committee on Ways and Means, he has submitted a position at a cursory attempt to report to the House the impact of those. Logically when you look at hotel occupancy tax in spite of the 1% increase, Guam at the current level is about 10%, we're at 11%. And to be competitive obviously costs. Now 2000 rooms in the Commonwealth 90%, if not 95%, is situated on the Third Senatorial District. So the impact will be greater multiplied significantly to the overall business activity when you significantly increase or decrease the competitiveness by increasing the tax of the hotel room occupancy here in the Third Senatorial District. One percent may not be such a significant impact when you have about 100 to 200 rooms in Rota or maybe at the most 300 rooms and the level of occupancy is insignificant to the equivalent 100 rooms here on Saipan, the same can be said for the island of Tinian. Now on the user fee it is quite obvious that it does not impact at all the First and Second Senatorial Districts since there is no significant nor any presence of apparel industry activity in the island of Rota and Tinian. So therefore that impact is wholly impacting the business activity particularly the garment directly and indirectly those that do business with the apparel industry on the island of Saipan, and on and on and on and on. A good test that we have already embarked is the good Representative Cabrera's legislation on the "Sin Tax". I believe that we don't have to repeat the negative comments thereabouts when that bill was signed into law. This is about increasing taxes, whether it's a justified reason or not justified reason. On the tobacco there is a significant positive effect when you increase and try and make it a deterrence. Critics argue otherwise. But nonetheless, the tax itself on a pack of cigarettes was significantly increased and it has in fact been a negative outcry. There was an outcry from the people let alone to increase those that tourist consume the services so they have no other choice to scream at us but a way of not coming, which represents a louder voice when they don't patronize the Commonwealth. They don't sell the packages because we're not being competitive. And maybe perhaps as you put it fees, license, driver's license, gun license those that were identified in the Governor's proposal given the state of affairs today, we're passing in this budget a tax credit provision for teachers for they themselves are forking out their own money because at times they have to spend their money because parents that send their kids to public schools are finding it very difficult to provide these kids appropriately even pencils and papers. So it forces the teachers to consider using their money. That is a revelation in itself about the state of affairs that the teachers are putting out their own money and we're giving them a break through this Appropriation Act. I think it'll be foolish thinking if we are to neglect the fact that the economy has not significantly improved, and to fund the appetite of the government the way it is now at this level would be in fact be viewed as irresponsible on our side. I think that people will appreciate good

leadership in this house by not passing that proposed tax. Maybe the timing is off in passing any increase in taxes but it shows the maturity of this body to think otherwise. People are hurting and it's not a secret. It's not unknown everywhere and I feel the House's action in taking a million dollars away from Rota and a million dollars away from Tinian, but if you sit down and look at the budget when it comes to the Saipan appropriation there's huge sacrifice, huge sacrifice on the Saipan senatorial district. Everybody, everybody was impacted fairly and my heart goes out to those people that are anticipating to be employed out of the need to increase the budgetary level of the First and Second and Third Senatorial Districts. But for the first time I see that the House will not budge into transferring this burden to the very consumers that we took oath in trying to relieve the hardship. It's a vicious cycle and sometimes we just have to do what is right and this is the right thing. I understand where you're coming from, but together we can help each other.

Rep. Quitugua: Mr. Speaker, I don't want to be mistaken that I'm reacting only on behalf of the people of Rota because that's not the case, Mr. Speaker. I am reacting on behalf of the people of the Commonwealth. If this budget is the best we can do for the people of the Commonwealth, then I guess that we have no recourse that this is what we produced today, that the output of this house today is reduction in funding. That's the output. That's the best that this house can do and I don't know whether that is acceptable to the people of the Commonwealth, Mr. Speaker. I was hoping that we can do much better than that, but apparently we did not. I think this is an indictment of our performance in the House of Representatives.

Speaker Hofschneider: It may just very well be. But the fact of the matter is, Representative Quitugua, at a time when everyone wants to champion theoretical concepts so that we can get elected, this is the season. I want everyone on record to know that in spite of who sits in this body, in spite of who sits across the street, I think we all have the fiduciary to stop professing what is not real in terms of do we really honestly in spite of our ability to pass legislation, repeal laws currently, in spite of these things – qualifying certificate, free trade zone, tax credits on and on and on, are there any takers? Because the reality of the matter in the economics is consistency within the Commonwealth, credibility within the Commonwealth and the strength of that economic power haul, like Japan and Korea, that patronizes the Commonwealth. We wholeheartedly 80% to 90% of the economy rest on the consumer activity of the tourist industry, and the apparel industry contributing to about 48% of the total revenue generated by the Commonwealth through the user fee. So if the U. S. economy suffers, then that segment of the economy of the Commonwealth gets injured. So you can see the pattern. The total user fee goes down. The U. S. economy improves it goes up. There's something significant that we must all try and understand. Japan has been trying to correct itself for the last ten years and they have not been able to cure their hiccups themselves. What we can do is sustain ourselves in what remaining economy we have, and that is not by aggravating in increasing the taxes so that we continue to pay for this taste and level of taste and expenditure. We should be looking at expanding the economic base not through raising taxes but expanding the overall economy through investment. But in the last eight years, ten years there has yet to be one significant investment in the Commonwealth. So let's not all try and profess before the voters this year that we have the solution. We will win the election and be reelected back in to office by being truthful, being honest to our voters, by saying we represent in making sure that what we have is not wasted, controls, oversights and adhering to prudence that we don't have to make travels, we don't take the travel. If we don't have to spend and we can afford to rent a car on our pocket, then we save the taxpayers a significant \$800 a month. If we don't have to charge our offices for official representation, we don't. We save the public. This is what I'm talking about. Significantly being responsible individually and collectively. Our job is to teach our constituents that are a lot of things

that the government can save by the community themselves coming together and doing things. But to continue professing that the government is the employer of the century is false pretext and false assumptions to be given to those aspiring kids. Instead of trying to find ways to broaden the economic base we funnel them to government employment. We need to do something and be honest to ourselves first and we need to start with this election. People will reelect us back by doing what we have done, and you can hold your head up and face anyone because this body has acted exceptionally well – and I mean, exceptionally well. I disagree in raising taxes simply because the timing is off. If the economy like Representative Palacios said is robust, then perhaps a greater share from all the economic activity is due the public to improve the quality of existing services. But even the givers, the businesses themselves, are finding it very difficult to meet their own needs and responsibilities. What makes us think that it is easy for them to increase in tax whatever the tax is? Every time people go on the main road, the first thing they look at is the pricing of gas for the day. Every single one looks at that and it doesn't even take legislation. That's an increase in cost. So be mindful on all this tax increase, it is the consumer themselves paying for it. That's the rationale behind the House's position not to consider raising the IFP again. And for that, we appropriately cut the budget to be consistent with existing revenues without considering those increase in taxes. Any other comments? Representative Herman Palacios.

Rep. H. Palacios: Thank you. I don't know just what each one of us pray when we pause for a moment of silence, Mr. Speaker, but I always ask the Lord to come down to earth and resurrect the economy. Thank you.

Speaker Hofschneider: You're asking for a lot. Representative Norman Palacios.

Rep. N. Palacios: Mr. Speaker, you said we have an answer to this question I'm about to ask – What percentage of Tinian's budget being cut, as well as Rota and Saipan? Do you have the percentage on this?

Speaker Hofschneider: Well, if you take a million dollars so you have \$13.9 million from the last – Floor Leader?

Floor Leader Attao: Yes.

Speaker Hofschneider: The current budget level is \$13.9 million?

Floor Leader Attao: Right, Mr. Speaker. The current?

Speaker Hofschneider: Yes.

Floor Leader Attao: \$12.5 million.

Speaker Hofschneider: No. The current. \$13.5 million?

Floor Leader Attao: \$13.550 million. Mr. Speaker, are we in recess?

Speaker Hofschneider: No. We're in session.

Floor Leader Attao: Point of information, Mr. Speaker.

Speaker Hofschneider: About 7%.

Floor Leader Attao: That's the cuts?

Speaker Hofschneider: Yes.

Rep. N. Palacios: What percent for Tinian?

Speaker Hofschneider: 7.3% both Rota and Tinian.

Floor Leader Attao: And that includes, Mr. Speaker, the 2% deficit reduction.

Speaker Hofschneider: So if you take away 2% of that cut of the million dollars then significantly the real cut is about 5%, almost 6%.

Rep. N. Palacios: So that goes the same for Saipan then?

Speaker Hofschneider: Aggregate, yes. Some departments had as high as 14% cut. Like both Presiding Officers in the House and the Senate, the equivalent cut is about 25% and that went to the appropriation for the bus for PSS. Again, in the context of the budget, two significant or maybe one significant mandate and that is the completion of the new juvenile facility. That has never been programmed into the Commonwealth budget. If you look at the facility itself, that's over half a million dollars of direct impact now in the budget. So half a million has to be cut or it must come from all the cuts. The \$1 million for all Commonwealth law enforcement, fire and public safety officers, that also has to come from somewhere. And then the utilities – Rota and Tinian doesn't pay for utilities. The central government pays for the utilities. So every one has to chip-in to those significant expenditures of the government.

Rep. N. Palacios: Thank you, Mr. Speaker.

Speaker Hofschneider: Floor Leader, under Bill Calendar.

Floor Leader Attao: Resolution Calendar, Mr. Speaker.

Rep. Quitugua: Mr. Speaker.

Speaker Hofschneider: Short recess. Representative Quitugua.

Rep. Quitugua: I made a motion and Congressman Palacios seconded my motion so just for the record, let's dispose of the motion.

Speaker Hofschneider: Oh, I'm sorry.

Rep. Quitugua: I knew what the outcome is, just for the record, Mr. Speaker.

Speaker Hofschneider: Okay. I was out of order. We were still under the Bill Calendar when the motion to reconsider the Governor’s Integrated Fiscal Plan was offered by Representative Quitugua and seconded by Representative Norman Palacios.

Floor Leader Attao: Roll call.

Speaker Hofschneider: Discussion on the motion. We have made discussions. Are we ready?

Several members voiced, “ready.”

Speaker Hofschneider: Clerk, roll call on the motion to reconsider the Governor’s proposal.

The roll called on the motion to reconsider the Governor’s Integrated Fiscal Plan is as follows:

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

Speaker Hofschneider: The motion to reconsider the Governor’s Integrated Fiscal Plan has been defeated by a vote of 15 “no”, 2 “yes”, 1 “abstention”. Floor Leader, under Resolution Calendar.

There being no objection; the House went back to Resolution Calendar.

RESOLUTION CALENDAR

Floor Leader moved for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the adoption of H. R. NO. 13-167, H. R. NO. 13-168, H. R. NO. 13-171, H. R. NO. 13-172, H. R. NO. 13-173, H. R. NO. 13-174, H. R. NO. 13-175 and H. J. R. NO. 13-034, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao moved for the adoption of H. R. NO. 13-167, H. R. NO. 13-168, H. R. NO. 13-171, H. R. NO. 13-172, H. R. NO. 13-173, H. R. NO. 13-174, H. R. NO. 13-175 and H. J. R. NO. 13-034 and was seconded by two others.

H. R. NO. 13-168: A HOUSE RESOLUTION URGING AND REQUESTING GOVERNOR JUAN N. BABAUTA TO DECLARE A STATE OF WATER EMERGENCY FOR THE ISLAND OF SAIPAN.

H. R. NO. 13-169: A HOUSE RESOLUTION TO PAY SPECIAL TRIBUTE TO JUAN SABLAN TENORIO FOR HIS OUTSTANDING SERVICE AND CONTRIBUTIONS TO THE PEOPLE OF THE COMMONWEALTH IN THE VARIOUS ROLES OF RESPONSIBILITY HE HAS PERFORMED OVER THE PAST TWO DECADES.

H. B. NO. 13-171: A HOUSE RESOLUTION TO EXTEND A SINCERE AND HEARTFELT RECOGNITION AND CONGRATULATION TO MRS. DORA AGULTO INOS DELEON GUERRERO UPON PASSING THE CERTIFIED PUBLIC ACCOUNTANTS EXAMINATION ON AUGUST 8, 2003.

H. R. NO. 13-172: A HOUSE RESOLUTION TO EXTEND A SINCERE AND HEARTFELT CONGRATULATION TO THE SAIPAN MARIANAS RACING ASSOCIATION (MRA) UNDER THE LEADERSHIP OF MR. ERIC A. CRUZ, PRESIDENT; MRS. CATHY S. CEPEDA, VICE PRESIDENT; MS. CHARLOTTE P. REYES, SECRETARY; MR. DAVE BURGER, TREASURER; MR. CUKI ALVAREZ, BOARD MEMBER; MR. HENRY A. CAMACHO, SR., BOARD MEMBER; MR. JOE S. SALAS, BOARD MEMBER; AND MR. PATRICK C. TOGAWA, BOARD MEMBER; UPON THE SUCCESSFUL COMPLETION AND GRAND OPENING OF THE MRA SAIPAN'S FIRST MOTOCROSS FACILITY AT THE COWTOWN RACEWAY PARK IN MARPI ON SATURDAY, AUGUST 30, 2003.

H. R. NO. 13-173: A HOUSE RESOLUTION TO URGENTLY REQUEST THE HONORABLE JUAN N. BABAUTA AND THE SECRETARY OF THE DEPARTMENT OF PUBLIC WORKS, MR. JUAN S. REYES TO ALLOCATE \$2.83 MILLION FROM THE FY 2005 FEDERAL HIGHWAY FUND FOR THE CROSS ISLAND ROAD IMPROVEMENTS ALSO KNOWN AS ROUTE 31.

H. R. NO. 13-174: A HOUSE RESOLUTION TO ADOPT THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; AND FOR OTHER PURPOSES.

H. R. NO. 13-175: A HOUSE RESOLUTION TO COMMEND MR. FELIPE RUAK AND JOSEPH RUAK, FOUNDERS AND INSTRUCTORS OF THE TALABWOG MEN STICK DANCERS FOR THEIR OUTSTANDING WORK AND ACHIEVEMENT IN RECEIPT OF THE NATIONS HIGHEST FOLK AND TRADITIONAL ARTS AWARD, THE NATIONAL HERITAGE FELLOWSHIP.

H. J. R. NO. 13-034: A HOUSE JOINT RESOLUTION RESPECTFULLY REQUESTING AND URGING THE ADMINISTRATION TO INCLUDE IN THE CNMI COVENANT SECTION 702 NEGOTIATION THE APPROPRIATION OF NINE MILLION DOLLARS (\$9,000,000.00) FOR THE DESIGN AND CONSTRUCTION OF THE DANDAN SEWER SYSTEM IN PRECINCT I.

The Chair recognized Representative Babauta.

Rep. Babauta: On H. R. NO. 13-169 is author willing to have it introduced by Committee of the Whole?

Speaker Hofschneider: Short recess.

The House recessed at 6:10 p.m.

RECESS

The House reconvened at 6:27 p.m.

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

Floor Leader Attao: Ready, Mr. Speaker.

Speaker Hofschneider: You have two resolutions.

Floor Leader Attao: No. We're under discussion on H. J. R. NO. 13-034.

Speaker Hofschneider: Okay. Ready for adoption?

Several members voiced, "ready."

There was no further discussion, and the motion to adopt H. R. NO. 13-167, H. R. NO. 13-168, H. R. NO. 13-171, H. R. NO. 13-172, H. R. NO. 13-173, H. R. NO. 13-174, H. R. NO. 13-175 and H. J. R. NO. 13-034 was carried by voice vote.

Speaker Hofschneider: H. R. NO. 13-167, H. R. NO. 13-168, H. R. NO. 13-171, H. R. NO. 13-172, H. R. NO. 13-173, H. R. NO. 13-174, H. R. NO. 13-175 and H. J. R. NO. 13-034 are hereby adopted by the House. Floor Leader.

BILL CALENDAR

Floor Leader Attao moved to place H. B. NO. 13-021, HS1, H. B. NO. 13-042, H. B. NO. 13-130, HS1, H. B. NO. 13-149, HD1, H. B. NO. 13-183, HD1, H. B. NO. 13-277, HD2, H. B. NO. 13-280, HD4, H. B. NO. 13-321, HS1, H. B. NO. 13-324, H. B. NO. 13-325, H. B. NO. 13-328, H. B. NO. 13-329, H. B. NO. 13-334, S. B. NO. 13-003, S. B. NO. 13-004, S. B. NO. 13-006, S. B. NO. 13-054, S. B. NO. 13-058, S. B. NO. 13-061, S. B. NO. 13-092, S. B. NO. 13-131, S. B. NO. 13-136, S. B. NO. 13-137, S. B. NO. 13-144, S. B. NO. 13-146, S. B. NO. 13-152 and S. B. NO. 13-153, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao moved for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the passage of all bills on the day's calendar, was seconded.

Speaker Hofschneider: Short recess.

The House recessed at 6:45 p.m.

RECESS

The House reconvened at 6:47 p.m.

Speaker Hofschneider: We're back to our session. Floor Leader, can you clarify your motion.

Floor Leader Attao: Yes, thank you Mr. Speaker. My motion is for the suspension of all Rules for the passage of all bills appearing on the day's calendar.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendment to H. B. NO. 13-280, HD4, SD1 reference SEN. COMM. 13-221.

The motion was seconded.

H. B. NO. 13-280, HD4, SD1: A BILL FOR AN ACT TO APPROPRIATE AVAILABLE FUNDS FROM THE 702 CIP COVENANT FUNDING FOR CERTAIN CAPITAL IMPROVEMENT PROJECTS IN FY 2003; AND FOR OTHER PURPOSES.

Several members voiced, "ready."

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to accept the Senate amendment to H. B. NO. 13-280, HD4, 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	yes
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	abstained
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 17 "yes", 1 "abstention", H. B. NO. 13-280, HD4, SD1 is hereby accepted by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendment to H. B. NO. 13-149, HD1, SD1 reference SEN. COMM. 13-232.

The motion was seconded.

H. B. NO. 13-149, HD1, SD1: A BILL FOR AN ACT TO APPROPRIATE FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$575,000.00) FROM THE SAIPAN TRUST FUND, WHICH WAS ORIGINALLY ESTABLISHED AS THE "SPECIAL DEPOSIT FUND," AND IS PRESENTLY MANAGED BY THE MARIANAS PUBLIC LAND TRUST (MPLT) ON BEHALF OF THE UNITED STATES NAVY FOR LANDS USES ON TINIAN AND SAIPAN DURING THE TRUST TERRITORY PERIOD, FOR THE DESIGNING, ENGINEERING, AND CONSTRUCTION AND CURATOR OF A TINIAN MUSEUM AND THE PURCHASE OF NUESTRA SENORA DE LA CONCEPCION ARTIFACTS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The Senate amendment actually is on page 2, line 24. There is an inclusion of language "in consultation with the Museum pursuant to P. L. 10-05, as amended." That's the only amendment that the Senate made. Floor Leader, that was a motion?

Floor Leader Attao: Yes, Mr. Speaker.

Speaker Hofschneider: The motion on the floor is to accept the Senate amendment on H. B. NO. 13-149, HD1 in the form of SD1 reference SEN. COMM. 13-232. It has been seconded. Discussion on the bill. Representative Norman Palacios.

Rep. N. Palacios: What was the section that we amended?

Floor Leader Attao: The amendment is "in consultation with the Museum pursuant to P. L. 10-5, as amended."

Rep. N. Palacios: Can the legal counsel enlighten us what is that section?

Speaker Hofschneider: Short recess.

The House recessed at 7:30 p.m.

RECESS

The House reconvened at 7:33 p.m.

Speaker Hofschneider: We're back to our session and we're discussing H. B. NO. 13-149, HD1 as amended by the Senate. Ready?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to accept the Senate amendments to H. B. NO. 13-149, HD1, 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	yes
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	abstained
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 17 “yes”, 1 “abstention”, H. B. NO. 13-149, HD1 as amended by the Senate is hereby accepted by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendments to H. B. NO. 13-277, HD2, SD1 reference SEN. COMM. 13-276.

The motion was seconded.

H. B. NO. 13-277, HD2, SD1: A BILL FOR AN ACT TO APPROPRIATE TWO MILLION TWO HUNDRED SEVENTY FOUR THOUSAND DOLLARS (\$2,274,000.00) FOR THE CONSTRUCTION AND RENOVATION OF HEADSTART CENTERS AND OTHER SCHOOL FACILITIES; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to accept the Senate amendments to H. B. NO. 13-277, HD2 in the form of SD1 has been seconded. Discussion on the bill. Representative Cabrera.

Rep. Cabrera: Thank you, Mr. Speaker. First of all, there are significant amendments made to this bill and upon inquiry I was advised that PSS has taken the position of reprioritizing these funds. I’m just curious, Mr. Speaker, because under the Findings on the first page of this bill, it states that federal funds for Headstart is in jeopardy unless the Public School System complies with the building capacity space ratio and...

Speaker Hofschneider: That’s a nice way of putting overcrowding.

Rep. Cabrera: Yes. And when I looked at the reprioritization, I see that they’re taking a substantial amount of the money for the purpose of expanding classrooms within the elementary level with only one Headstart receiving money specifically Garapan and the rest of the Headstart Programs in other respective villages crossed out. I wonder, Mr. Speaker, if there was consultation made with the Public School System with the same agency such as the Federal Agency that imposed that requirement as a condition for continued federal funding.

Speaker Hofschneider: Representative Tebuteb, you may answer that.

Rep. Tebuteb: The question is overcrowding?

Speaker Hofschneider: The question is is this consistent with the needs of the Headstart to allow the Senate to amend and include Southern High instead of reserving the entire \$2 million for the Headstart...

Rep. Tebuteb: Yes, Mr. Speaker. After several meetings with the Public School System, inclusive of Headstart, I have provided the members of the needs as requested by the Public School System in the series of meeting that we have conducted, including the Education Committee going to all the schools, as far as also some meetings were conducted here. As a result of all those meetings, we came down to a position that not only the Headstart, but all the entire Public School System is in dire need of classrooms. And with that, we came to conclude that the information that was passed out to everybody that that was the position of the series of meetings conducted including the Committee on Education as well as the PSS Board of Education and the Headstart.

Speaker Hofschneider: So both entities support the amendment made by the Senate?

Rep. Tebuteb: Yes.

Speaker Hofschneider: Okay. Any further questions?

Rep. Cabrera: Yes, Mr. Speaker. Is that inclusive of the write-in amendment on the bottom?

Speaker Hofschneider: I just reaffirmed that with the question posed to Representative Tebuteb, if the Headstart Council and PSS concurs with the Senate amendment.

Rep. Tebuteb: What I just said is that after series of all those meetings and the information provided that is the position. The write-in is part of it. The actual number of classrooms need is forty-three. The most critical one is about thirty-two. If you look at Kagman Elementary School, for example, and that's been stricken out it needs seventeen. Kagman Elementary, Garapan Elementary, Southern High School and Garapan Headstart are the most critical ones.

Speaker Hofschneider: Representative Cabrera, in other words, we're still short.

Rep. Tebuteb: Yes, Mr. Speaker.

Rep. Cabrera: So long, Mr. Speaker, as even with the renewed position on reprioritizing that they don't come back and tell us well you have not complied with the initial requirement and...

Rep. Tebuteb: I'm reading that you're concern about all the Headstarts and I'm sure everybody is concern about all the Headstarts. The series of meetings conducted came down that all the schools are in dire need. But in the Headstart area Garapan is the most critical because they are being housed at the Lower MIHA. We've had discussions on these, Mr. Speaker and members, when we had that marathon session. We went all the way to midnight and we worked around all theses. However, after that, we contacted the proper agency and this is the result not the write-in.

The Chair recognized Representative Babauta.

Rep. Babauta: Thank you, Mr. Speaker. I understand the needs of the Public School System, Mr. Speaker. When we passed this bill, we agreed to compromise on having various Headstart Centers

in the villages be accommodated. I support the intent of the amendments. However, Mr. Speaker, when you still see roughly seventy-five kids in three classrooms down in W. S. R. Elementary School from Dandan that tells me that Dandan lacks the facility. So I don't know which is which. However, I support the amendment because PSS priority needs but when we continue to see Dandan pupils down at W. S. R. Elementary School compound utilizing three classrooms that tells me that Dandan lacks classrooms for Headstart.

Speaker Hofschneider: Dandan is taken out.

Rep. Babauta: For Dandan?

Rep. Cabrera: Yes. It's eliminated. So is Tanapag. So is San Roque.

Rep. Tebuteb: All Headstarts were taken out except Garapan.

Speaker Hofschneider: And is that sufficient, Representative Tebuteb, to immediately deal with the crisis down in Garapan? Is that sufficient funding?

Rep. Tebuteb: Yes, Mr. Speaker.

The Chair recognized Representative Aldan.

Rep. Aldan: I think if the good Representative visits San Roque he'll find out that San Roque does not have a Headstart classroom. There are two elementary classrooms at the present moment being utilized by the Headstart over there. Therefore, it's short changing the elementary classrooms.

Speaker Hofschneider: This is GTC?

Rep. Aldan: GTC.

Rep. Tebuteb: Mr. Speaker, I am not specific on the communication numbers but there are three communications under Department & Agencies Communication, I believe, from 702 last Friday's session. If you have had a chance you those will realize that all Headstarts are inclusive of the next CIP funding. But in dire needs, these are the most critical and it's not my decision. It's a combination of affected agencies.

Speaker Hofschneider: I think we have to, in all honesty, clarify and defend Representative Tebuteb. The amendments are not coming from him. It's coming from the Senate. So either we support the Senate amendments and pass the bill, or we kill the Senate amendments and move it to conference. That'll obviously delay it. So the debate before us really whether we are in agreement with the Senate amendment. Representative Quitugua.

Rep. Quitugua: Thank you, Mr. Speaker. I noticed that the first bill that we have passed, Mr. Speaker, H. B. NO. 13-280, HD4, SD1 reference SEN. COMM. 13-221 is an appropriation bill. This has something to do with funding that's coming out of the 702 Covenant Funds. I abstained in voting one way or the other for the simple reason, Mr. Speaker, and it's quite obvious. It's obvious in a fact that all of the precincts in Saipan are included including the Second Senatorial District of Tinian with the exception of the First Senatorial District of Rota.

Speaker Hofschneider: That's by way of the Senate not the House.

Rep. Quitugua: I understand. I'm not grilling the House on this action. And if you look at the next communication from the Senate, which we have sent up to the Senate several months ago, Rota was included an appropriation of \$250,000.00 for the construction of Headstart on Rota. Now, nothing appears on that same bill, Mr. Speaker. It was amended by the Senate. I hate to speculate, Mr. Speaker, because I don't often take that kind of position but it forces me to take that position and to conclude that there is a deliberate attempt by the Senate either to penalize the people of Rota for whatever reason, or to discriminate the people of Rota for whatever reason. In the bill that we sent up to the Senate for the distribution of funds for the construction of Headstart facilities throughout the Commonwealth, all islands were included including the island of Tinian and most of the villages that are in dire need of Headstart facilities were included in the bill, Mr. Speaker. I am surprised, Mr. Speaker, looking at the appropriation items, that Rota, again, was excluded when originally it was included. I don't understand the justification for that, Mr. Speaker. I am guessing that other appropriations involving CIP funds that we have sent up to the Senate that something of similar action will probably appear. I appeal the good sense of the members of the House to exercise impartiality and to exercise fairness, Mr. Speaker. Thank you, Mr. Speaker.

Speaker Hofschneider: Thank you. Any other comments on H. B. NO. 13-277, HD2, SD1?

Several members voiced, "ready."

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to accept the Senate amendments to H. B. NO. 13-277, HD2, 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	yes
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	no
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes

Vice Speaker Tenorio: Mr. Speaker, I tried to say something during the discussion but I know that I'm too short and you can't see me so...

Speaker Hofschneider: I'm sorry. With no objection, I'd like the Vice Speaker to have three minutes.

There was no objection.

Vice Speaker Tenorio: I just wanted to say, Mr. Speaker, that it appears from the way they crossed this out that we tend to lose about five Headstart Centers through Precinct I. But equally important, Mr. Speaker, is the argument or the

presentation was accurate that PSS has reviewed this and they're the ones that's setting priorities for education. It goes to show that more and more people are migrating to Precinct I and we have too many students are now in Southern High School that all of a sudden we have to build six additional classrooms as well as Kagman Elementary School. It's already too small. While I realize and know for a fact that San Vicente and Dandan Headstart students are moving down to Chalan Kanoa because of the lack of classrooms, I just hope that the next available fund, if we have supplemental funds, Mr. Speaker, will be considered to address immediately the problems with the Headstart Centers throughout the island. But I do cast my vote as set forth here, Mr. Speaker, with the amendments. Thank you and my vote is yes.

Speaker Hofschneider: Thank you.

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 17 "yes", 1 "abstention", H. B. NO. 13-277, HD2, SD1 is hereby accepted by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendments to H. B. NO. 13-130, HS1, SD1.

The motion was seconded.

H. B. NO. 13-130, HS1, SD1: A BILL FOR AN ACT TO REPEAL AND REENACT 1 CMC §1601 THROUGH 1616; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to accept the Senate amendments to H. B. NO. 13-130, HS1 in the form of SD1 reference SEN. COMM. 13-271 has been seconded. Discussion on the bill. This is amending the Youth Congress Law. The Senate amendment is on page 4. Representative Deleon Guerrero.

Rep. Deleon Guerrero: Mr. Speaker, my concern pertains to the Senate amendment specifically on page 4, lines 12 thru 15, the fact they combined the school and the precinct elections to be held on the fourth Monday of September whereas before they made that amendment, school elections are held on the fourth Monday of September, which makes sense because it's on a school day and precinct elections are held on the Saturday preceding the school elections. I just wonder if having precinct elections on weekday may improve or lower the voter turnout.

Speaker Hofschneider: I think that in consultation with the Youth Congress themselves and the Bureau administering these elections, they recommended that all elections should be coincided. Ready?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to accept the Senate amendments to H. B. NO. 13-130, HS1, 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	yes
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	abstained
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 17”yes”, 1 “abstention”, H. B. NO. 13-130, HS1 as amended by the Senate is hereby accepted by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-153 reference SEN. COMM. 13-267 on First and Final Reading.

The motion was seconded.

S. B. NO. 13-153: A BILL FOR AN ACT TO AMEND 2 CMC SECTION 5106; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-153 reference SEN. COMM. 13-267. This is in relation to the technical amendment that will prohibit the Governor from reprogramming funds due the Department of Lands and Natural Resources. Correct?

Floor Leader Attao: Yes, Mr. Speaker.

Speaker Hofschneider: Representative Palacios?

Floor Leader Attao: That is correct.

Speaker Hofschneider: It 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. 13-153 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	yes
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	abstained
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 17 “yes”, 1 “abstention”, S. B. NO. 13-153 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. 13-334 on First and Final Reading. This is with respect to the extension of nonresident workers at DPW.

Rep. Babauta seconded the motion.

H. B. NO. 13-334: A BILL FOR AN ACT TO AMEND 3 CMC § 4434(i)(1)(B) AS AMENDED BY PUBLIC LAW 13-20 TO ALLOW THE DEPARTMENT OF PUBLIC WORKS TO HIRE NONRESIDENT PROFESSIONALS FOR TECHNICAL AND PROFESSIONAL POSITIONS UNTIL SEPTEMBER 30, 2005.

Speaker Hofschneider: The motion for the passage of H. B. NO. 13-335 reference extension for the Department of Public Works to continue hiring nonresident workers up to September 2005 on First and Final Reading has been seconded. Discussion on the bill.

Rep. Babauta voiced, “ready.”

Speaker Hofschneider: I want to say a few words on this bill. In as much as we want to see that the government is not interrupted particularly the Department of Public Works with the pending capital improvement projects, I think that one has to send the message that if we do not start somewhere then this practice of continually extending nonresident workers employment in the government and in the past twelve years the objective is to promote our kids to go into certain fields of study and return and replace those in the government particularly in the nursing area, in engineering as the Department of Public Works is requesting. So with the consideration of not interrupting those particular projects that are ongoing with the Department of Public Works and the mood of the House is to extend that to 2005. We’ll let it be a reminder that we need to start somewhere. If we can come up with incentives so that we entice our kids to go into fields of study particularly in architects and engineering and by that time who knows we may have some replacements. Representative Salas.

Rep. Salas: Mr. Speaker, two and a half years ago, OPA had twenty-eight employees that were non-local, non-U.S., one U.S and one local and ever since Mike Sablan came in we have reversed the trend to now one to twenty eight. So please let us start now and reverse that trend. Thank you.

The Chair recognized Representative Arnold Palacios.

Rep. A. Palacios: Thank you, Mr. Speaker. I think you're right that in order for us to reverse this trend we need to invest and that is enticing our children to go into field of engineering, probably providing incentive through specialized funding for engineering schools such as that that we have with the teachers a scholarship. And also to be cognizant that if our kids graduate in engineering school to entice them to come back and work in the Commonwealth we have to pay them a competitive rate not the \$22,000.00 that we pay nonresident workers. If we really want to that we have to fund these positions at a level that is commensurate to their expertise. So that's something that we really need to consider. The Office of the Public Auditor was very successful because we allowed them we gave them the funding to make it attractive for our kids to get into that line of profession. Thank you.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, I echo the same sentiment by both Congressmen on getting our own people to fill these hard-to-fill positions. I also understand that it is urgent that we continue the ongoing project without interruption. But I don't exactly know what's in 3 CMC 4434 but I would imagine that there would be a reporting provision there the Department of Public Works would report how many of our local people are now currently being hired because this continues to be the case where we open this up and there's a whole shebang of foreign workers here and the engineering comes in because of the \$23,000.00 or \$30,000.00 is good enough for them. But to put a stop this is there any training or any requirement at all that will require the Department of Public Works to come up with in terms of training so that our people will fill these positions. This is like putting a sunset provision again increasing from 2003 to 2005. What are we going to gain in 2005 in terms of our people filling in this job and what type of responsibility are we asking from the Department of Public Works?

Speaker Hofschneider: I think that's not difficult to answer, Vice Speaker, since there are people employed in that division, the Technical Services Division for instance, for over fifteen years. It just tickles the mind of the people here to think that we couldn't find anyone in the last fifteen years nor come up with a human resources program to replace the reliance on the nonresident workers particularly on the Technical Service Division at the Department of Public Works. So if you don't put the onus on them, there will always be a convenient excuse that because of the amount of work that needs to be done, existing contracts may be delayed, there will always be legitimate reasons and claims. The fact of the matter is that the Scholarship Office and PSS and the college must work together to look at perhaps counseling, career counseling or enticement on their own course and to try and convince kids to go into engineering or architects or similar field of study. It's a remarkable example what they have done with the Teachers Academy. That is in fact been working for the last five years. Nursing is one of those areas that we need to improve the interests with our kids. So I guess the convenient excuse is to extend the privilege of hiring nonresident up to 2005. But I'm pretty sure there are currently kids in the Commonwealth who are now studying engineering or about to finish and that we are in the position to offer them an opportunity. But it takes time to train them, to get them up to speed, or up to par with those that have been in the engineering field. Representative Palacios.

Rep. H. Palacios: Mr. Speaker, point of information. What is the salary for these people?

The Chair recognized the Floor Leader.

Floor Leader Attao: The what?

Speaker Hofschneider: The salary for those positions that are being given an extension not filled by nonresident workers.

Floor Leader Attao: I think this is less than \$30,000.00.

Rep. H. Palacios: \$30,000.00.

Floor Leader Attao: Less than \$30,000.00.

Rep. H. Palacios: No wonder why. Thank you, Mr. Speaker.

The Chair recognized Representative Quitugua.

Rep. Quitugua: Thank you, Mr. Speaker. If I'm correct, Mr. Speaker, if we don't force the issue I don't think this reliance on nonresident workers will cease immediately or in the distant future. When PSS was sued back, I believe, 1994, I was forced to change its patterns of hiring. It was difficult the first year but look what happened right now. We're not relying on nonresident workers. We're relying on U. S. workers. So unless this issue was forced to expire rather than continue to do extension I don't think it will cease, Mr. Speaker. I think at some point in time we just need to decide that today or tomorrow is the last day.

The Chair recognized Representative William Torres.

Rep. W. Torres: The fact of the matter is, Mr. Speaker, there are in fact students who are studying engineering. I think the failure in this whole process is not actively recruiting them, not actively seeking them out and not to only actively seek them out but taking them in to the department and training them alongside those for whom we will eventually replace. And I think there are models already that have been very successful. You pointed them out. The Teachers Academy is a clear model. The OPS model is working very well and I think CHC is in the process of having an effective or successful model as well. So I guess it's the will to apply this forcefully. We need to also assist the department in providing them the necessary resources, perhaps recommending some ideas to them on how to do these things. I'm sure they'll be more than willing and happy to accommodate these concerns. A point in fact, talking to the Secretary about this issue, he's more than happy to recruit locally. In fact it's even less costly to do so. So I think what we need to do is send out a message that the Department of Public Works needs to actively seek these engineering students and recruit them and put them on training on trainees salary until such time that they are prepared to take the bar as they say the engineering exams so that we can work them through. I'm sure that we will be successful by the year 2005 so we don't need to revisit this issue. This will be the last one. Thank you.

The Chair recognized Representative Deleon Guerrero.

Rep. Deleon Guerrero: Mr. Speaker, I'll make it short since there've been a lot of comments already. I think that we just might have to revisit this issue simply because we just passed the budget and while we did give the Department of Public Works specifically the Technical Services Division

about 20% increase, that 20% increase is to accommodate the additional ten FTEs that was also granted to TSD. We have not addressed that part of the equation – to make the salary attractive – so that we can entice our qualified locals to work here. In the absence of that, even though September 2005 is next year, the 2004 budget will still apply and I’m pretty sure we’re going to be revisiting this issue again until such time that we correct it. Thank you, Mr. Speaker.

Speaker Hofschneider: Thank you. Any other comments?

Several members voiced, “ready.”

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-334 on First and Final Reading is as follows:

Rep. Martin B. Ada	abstained
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	yes (with major reservations)
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	abstained
Rep. Andrew S. Salas	no
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes

Vice Speaker Tenorio: So we can continue with ongoing projects, Mr. Speaker.

Rep. Manuel A. Tenorio	yes
------------------------	-----

Rep. S. Torres: For one more cycle on the contract for the last time.

Rep. Stanley T. Torres	yes
------------------------	-----

Rep. W. Torres: At least for the last time.

Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: Representative Ada, you want to change your vote?

Rep. Ada: No, Mr. Speaker. I’m sorry. I wanted to comment but much has been said. I was in the Twelfth Legislature and *kulan etyo i gout este ni u kikilele ha, chotnut*. I agree with you. The time to start actually is now. We can set it up. Connect with the college and whatnot or increase the salary, as simple as that. Thank you.

Speaker Hofschneider: So you’re not changing your vote?

Rep. Ada: No, sir.

Speaker Hofschneider: Abstention. By a vote of 15 “yes”, 1 “no”, 2 “abstention”, H. B. NO. 13-334 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendments to H. B. NO. 13-042, SD1 reference SEN. COMM. 13-211. This is the Nursing Practice Act.

Rep. Babauta seconded the motion.

H. B. NO. 13-042, SD1: A BILL FOR AN ACT TO ADDRESS THE NEW NURSING DISCIPLINE IN THE NURSING LICENSURE PROCESS BY REPEALING 1 CMC DIV. 2 PART 1 CHAPTER 12 ARTICLE 4 §2643 IN ITS ENTIRETY AND PROCESS BY REPEALING AND RE-ENACTING 3 CMC TITLE 3 DIV. 2 CHAPTER 3 ARTICLES 1 THRU 7 IN ITS ENTIRETY; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to accept the Senate amendments reference to H. B. NO. 13-042, the Nursing Licensure has been seconded. Discussion on the bill. Are we okay with the Senate amendments?

Rep. Ada: Yes.

Floor Leader Attao: Mr. Speaker, I offer a subsidiary motion to reject the Senate amendments.

Speaker Hofschneider: Short recess.

The House recessed at 7:30 p.m.

RECESS

The House reconvened at 7:33 p.m.

Speaker Hofschneider: We’re back to our session. Floor Leader.

Floor Leader Attao: I move for the rejection on the Senate amendments reference to H. B. NO. 13-042, SEN. COMM. 13-211 and appoint a Conference Committee for review on this bill.

Rep. Babauta seconded the motion and was carried by voice vote.

Speaker Hofschneider: The Senate amendments to H. B. NO. 13-042 is hereby defeated by the House and the bill is referred to a Conference Committee. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendments to H. B. NO. 13-021, HS1 reference SEN. COMM. 13-210.

Rep. Babauta seconded the motion.

H. B. NO. 13-021, HS1, SD1: A BILL FOR AN ACT TO MAKE PUBLIC EDUCATION A MANDATORY REQUIREMENT ON ANY PROPOSED AMENDMENT TO THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to accept the Senate amendments to H. B. NO. 13-021, HS1 in the form of SD1 has been seconded. Discussion on the bill. May I share some recent complications with such a proposal. Under the new Election Law, there's also a provision in which such public education is required. For your information, Rota has a casino initiative, which is about seventy pages. Is that correct, Representatives Quitugua? Under the law the Board of Election is charged with translating any initiative in three languages, English, Chamorro and Carolinian. One initiative amounting to seventy pages translates to over three hundred pages of translation. So two issues arise out of this according to the Executive Director of the Election Commission, Mr. Sablan. One is, timing, to fully transcribe and to translate such an initiative given the time limitation is daunting. Two, the amount of money to reproduce or produce public dissemination information is in the neighborhood of \$60,000.00 for that particular initiative. So that means that with this bill, it has to come within ninety days and not less than thirty days before an election. Representative Ada.

Rep. Ada: Mr. Speaker, each one of us took twelve years just to graduate from the elementary level. Then it takes us another four years to go to college. What I'm trying to say is the education process is not that easy to absorb. Educate the public in ninety days? People right now up to November 1 are so absorbed and focused on reelections, attending pocket meetings and all these. I made a comment last week with one of the reporters of *Saipan Tribune* and I said six months is sufficient time for anything to be absorbed by our – I think four months is reasonable, but it takes time. I'll agree that it should be summarized to a point where it's understood, but we need about six months. Let us stop this railroading or...

Speaker Hofschneider: Beating the clock.

Rep. Ada: Yes. Beating the clock type of – *este ha man masangangan-ta ni politician. Yanggen hafa malago-ta ta alulayi ha ya ta satpen Camacho ha sa guaha man gai interes gi santatten este na proposito*. Thank you.

The Chair recognized Representative Castro.

Rep. Castro: Mr. Speaker, I believe the Committee has deliberated on this bill and it's recommended for passage to the full House. The author is just next to me and he will defend the bill.

Rep. Ada: Are we in recess, sir?

Speaker Hofschneider: No. The substantive amendment is really on page 3. The Senate amended the Findings section, which has no force and effect of changing an existing statute by inserting not less than thirty days in the Findings. I do not know if that has any consistency with any of the effective clauses in the bill. Ready?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to accept the Senate amendments to H. B. NO. 13-021, HS1, SD1 is as follows:

Rep. Martin B. Ada	abstained
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

Speaker Hofschneider: Clerk, hold roll call please. Recess.

The House recessed at 7:36 p.m.

RECESS

The House reconvened at 7:36 p.m.

Speaker Hofschneider: We're back to our session. We're in order. Clerk, continue.

Rep. Herman T. Palacios	abstained
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	abstained
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 15 "yes", 3 "abstention", H. B. NO. 13-021, HS1 as amended by the Senate in the form of SD1 is hereby accepted by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-154, HD1 reference SEN. COMM. 13-269 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-154: A BILL FOR AN ACT TO AMEND 2 CMC §1316(n); AND FOR OTHER PURPOSES.

Speaker Hofschneider: 13-269?

Floor Leader Attao: SEN. COMM. 13-269.

Speaker Hofschneider: We did not include that on the motion.

Floor Leader Attao: Okay. So withdrawing that, Mr. Speaker, I move for the passage of H. B. NO. 13-327 on First and Final Reading.

Rep. Babauta seconded the motion.

Rep. Deleon Guerrero: *Ti humalom lokkue enao.*

Speaker Hofschneider: H. B. NO. 13-327 was not included.

Floor Leader Attao: So I offer subsidiary motion to include H. B. NO. 13-327, Mr. Speaker.

Rep. Babauta seconded the motion.

Speaker Hofschneider: The subsidiary motion to include on the day's calendar – House Bill or Senate Bill?

Floor Leader Attao: SEN. COMM. 13-269 reference S. B. NO. 13-154. Short recess, Mr. Speaker.

Speaker Hofschneider: Short recess.

The House recessed at 7:40 p.m.

RECESS

The House reconvened at 7:50 p.m.

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

Floor Leader Attao: Thank you, Mr. Speaker. Subsidiary motion to include S. B. NO. 13-154 reference SEN. COMM. 13-269 on the day's calendar.

Rep. Babauta seconded the motion and was carried by voice vote.

Speaker Hofschneider: S. B. NO. 13-154 reference SEN. COMM. 13-269 is placed on today's calendar. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-154 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-154: A BILL FOR AN ACT TO AMEND 2 CMC §1316(n); AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass S. B. NO. 13-154 reference SEN. COMM. 13-269 on First and Final Reading has been seconded. Discussion on the bill. Representative Stanley Torres.

Rep. S. Torres: Mr. Speaker, I would like to make an oral floor amendment by striking out "Section 3" in its entirety and re-designating subsequent sections.

Rep. Babauta seconded the motion.

Speaker Hofschneider: The oral floor amendment offered by Representative Stanley Torres to strikeout in its entirety Section 3 beginning with line 7 thru line 10 has been seconded. Discussion

on the oral floor amendment. Representative Torres, for the record, could you state the logic of the amendment?

Rep. S. Torres: With the legal counsel's advice and recommendation that the purpose of this section is not necessary and probably not in order to reference the court judgment on the case. It's a simple amendment of 3 CMC §1316(n) of P. L. 10-77.

Speaker Hofschneider: What would this do?

Rep. S. Torres: It would go back to the Senate for acceptance. I guess it's...

Speaker Hofschneider: No, but what would it do to the existing authority of the Northern Marianas College?

Rep. S. Torres: This would give all the employees of the college a civil service protection. So that would not be terminated without cause, this simply giving the protection of the civil service rules and regulations for all employees.

Speaker Hofschneider: Okay.

Rep. S. Torres: So far nine or eleven employees have been terminated without cause.

Vice Speaker Tenorio: Question.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: We're under discussion?

Speaker Hofschneider: Yes.

Vice Speaker Tenorio: Mr. Speaker, I just wanted to...

Speaker Hofschneider: On the amendment offered by Representative Torres.

Vice Speaker Tenorio: It's not on that amendment, Mr. Speaker.

Rep. Babauta: Ready for the amendment, Mr. Speaker.

There was no further discussion, and the oral floor amendment offered by Representative Stanley Torres to S. B. NO. 13-154 was carried by voice vote.

Speaker Hofschneider: The oral floor amendment is hereby adopted. We're discussing S. B. NO. 13-154 as amended. Vice Speaker.

Vice Speaker Tenorio: Under discussion, Mr. Speaker, on line 13, I just wanted to find out what's the rationale for that amendment here? To appoint and to terminate – the word "President" is stricken but officers, faculties, employees and staff are...

Speaker Hofschneider: This is a Senate Bill so the amendment is coming from the Senate.

Rep. S. Torres: May I offer?

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: Mr. Speaker, the rationale for striking out the word “President” there, I guess, is to just let the President be picked since the President is hired by the Board of Regents. So we left that to the Board of Regents’ discretion. We’re only concern of the other staff below the President.

Speaker Hofschneider: Short recess.

The House recessed at 8:03 p.m.

RECESS

The House reconvened at 8:12 p.m.

Speaker Hofschneider: We’re back to our session and I recognize the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move to defer action on S. B. NO. 13-154, HD1 so we can give the two legal counsels time to work on the amendment.

Rep. Babauta seconded the motion and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendments to H. B. NO. 13-321, SD1 reference SEN. COMM. 13-280.

Rep. Babauta seconded the motion.

H. B. NO. 13-321, SD1: A BILL FOR AN ACT TO APPROPRIATE \$1,500,000 FROM THE ACCOUNT BALANCES OF THE DEVELOPMENT BANKING DIVISION ASSET ACCOUNT OF CDA FOR VARIOUS PROJECTS IN THE THREE SENATORIAL DISTRICTS.

Speaker Hofschneider: The motion to accept the Senate amendments to H. B. NO. 13-321, SD1 reference SEN. COMM. 13-280 has been seconded. Discussion on the bill.

Several members voiced, “ready.”

Rep. Ada: Mr. Speaker, may I comment? Am I in order? *Man recess hit?*

Speaker Hofschneider: No, we’re in session.

Rep. Ada: In regards to that?

Speaker Hofschneider: In regards to what?

Rep. Ada: Fund balances of CIP.

Speaker Hofschneider: Yes.

Rep. Ada: That's fund balances for CIP for...[end of recording...beginning of recording]...12-56 etyo or 13-56?

Speaker Hofschneider: Don't guess.

Rep. Ada: That's just fund balance not...

Speaker Hofschneider: Short recess.

The House recessed at 8:15 p.m.

RECESS

The House reconvened at 8:17 p.m.

Speaker Hofschneider: We're back to our session. Clerk, strikeout the confusion created by Representative Ada.

Rep. Ada: Oh, yes. *Na huyong etyo siha na comments.*

Speaker Hofschneider: Discussion on H. B. NO. 13-321 as amended by the Senate. Representative Quitugua.

Rep. Quitugua: Thank you, Mr. Speaker. As the members may have recalled, Mr. Speaker, this is a product of a negotiated action that was done between the Senate and the House to effectuate the passage of the bill containing the appropriation for the prison project as well as the dialysis center for Rota and Tinian. The result of that agreement produced this compromised bill and again, Mr. Speaker, the amendment that was sent down by the Senate, once again, excludes the appropriation for the First Senatorial District. This is very vindictive, Mr. Speaker. This is punitive. This is very insensitive, to say the least, and I hope my colleagues, in the House sees the pattern here. That's all I can say, Mr. Speaker. Thank you.

Speaker Hofschneider: Any further comments?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: Representative Quitugua is right. This is a commitment in good faith that we equally distribute the \$1.5 million. We did so in the House and I can't fathom why the Senate would go contrary to good faith negotiation with the House. But then again, that is the Senate and the cause of such disagreement would have to be taken up at the Senate. It is placing us in a quite difficult decision to renege on a good faith agreement and barely leaves us to perhaps also consider the First Senatorial District such a good faith negotiation. So it's only the position of the House to accept, reject or...

Rep. Babauta: Conference Committee.

Speaker Hofschneider: Any further comments?

Vice Speaker Tenorio: Under discussion, Mr. Speaker.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, on line 13, the \$350,000.00 for Saipan Market. Is this the Saipan Farmers Market?

Rep A. Palacios: Saipan Farmers Market.

Vice Speaker Tenorio: Isn't there already an appropriation for Saipan Farmers Market?

Rep A. Palacios: This is a supplemental appropriation for that.

Vice Speaker Tenorio: What are we building, Mr. Speaker?

Speaker Hofschneider: The permanent place for the Sabalu Market, the fish market and the fishing base.

Vice Speaker Tenorio: What's the aggregate total for the market?

Rep A. Palacios: \$700,000.00 to \$800,000.00 dollars. The lease is \$700,000.00. That's estimated by EFC. In fact, this is all in the plan right now.

Speaker Hofschneider: For your information, the CDBG was revoked earlier by the Governor in its application for the expansion of the market. The Governor wanted to use the whole CDBG for the immediate attention of the ponding area, the wetland in central Garapan.

Vice Speaker Tenorio: That's in the tune of \$200,000.00.

Speaker Hofschneider: More. \$1.3 million.

Rep A. Palacios: Inclusive of other ongoing projects.

Speaker Hofschneider: Ready.

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to accept the Senate amendments to H. B. NO. 13-321, SD1 is as follows:

Rep. Ada: I thought we tried to reject or accept this.

Rep. Cabrera: That's what we're voting on.

Rep. Ada: Oh. For rejection or acceptance?

Rep A. Palacios: For passage.

Rep. Ada: Oh, for passage. For the fish and farm, yes, Mr. Speaker.

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	no
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	yes
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	no
Rep. Andrew S. Salas	no
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	no
Rep. Manuel A. Tenorio	abstained
Rep. Stanley T. Torres	yes

Rep. W. Torres: I would like to state a clarification.

Speaker Hofschneider: State your clarification.

Rep. W. Torres: Am I to understand, Mr. Speaker, that we will allow the situation as replaced should this pass?

Speaker Hofschneider: That is almost impossible if not impossible the way the amendment is done. We can only honestly say that we fulfilled the Second Senatorial District over and beyond the distribution of the \$500,000.00 each.

Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 13 "yes", 4 "no", 1 "abstention", H. B. NO. 13-321 as amended by the Senate in the form of SD1 is hereby accepted by the House. I hope that all of us, particularly the Second and Third Senatorial Districts, remember this. It is futile to reject the Senate amendment and go back because it is obvious that the Senate will not be inclined to pass anything than what they want to do with the bill. So not to delay other projects on going forth, I hope that the Second and Third Senatorial Districts, for the record, when comes the time to consider distribution of future appropriations of Capital Improvement Projects that this be considered and lived up to. And that is, for the record, that we must conform to in terms of amendment in good faith. It is unfortunate that the situation in the Senate changed and we're stuck in the middle of having to deal with such amendments. But I hope that, for the record, it will reflect the First Senatorial District could be considered in future appropriations in the amount of \$5 million taken away from them under this bill. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-324 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-324: A BILL FOR AN ACT TO AMEND PUBLIC LAW 11-63, TO ALLOW THE REMOVAL OF SEAWEED, AND SEA GRASS ON THE HOTEL BEACH FRONTS OF SAIPAN; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading H. B. NO. 13-324 has been seconded. Discussion on the bill. Representative Ada.

Rep. Ada: The intention is worth admiring. We're relying on the tourism industry right now as well as the poker and garment industry. This came to mind that we have regular employees from Parks & Grounds under the Department of Lands and Natural Resources who always keep our beaches clean and free of debris and trash along civic and all the coastal areas at our beach pavilions and beach picnic sites, which is really, really, admirable and it just makes you feel good to see that they are up kept. They have done a lot of good job with that. The seaweed is important for the hotel and tourism industry and I admire the author for doing that. Thank you.

Speaker Hofschneider: Short recess.

The House recessed at 8:25 p.m.

RECESS

The House reconvened at 8:27 p.m.

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

Rep. Ada: I think I did a wrong contrast and comparison to that. *Lao etyo siha i bidan niniha i boys regular esta. It makes me think na taiguihi an malak Guam giya Ipao ni ma guaguardia hao gi halom kommon. Gigon taya chirigami man gaige ha.* It's a really nice thing to see in our government agencies right now. *Uno ha problema. I kommon ni para u ma bababa.*

Rep. Deleon Guerrero: *Mr. Speaker, guahu pago confused.*

Rep. Ada: *Sa hafa na confuse hao?*

Speaker Hofschneider: *Man gaige hit gi seaweed. Esta man gaige hit kommon.*

Rep. Ada: *Ahe.* The beautification – the focus here is the cleanliness for the tourist. Thank you.

Speaker Hofschneider: Oh.

Rep. Ada: *Hu tungo ha na todú hit man ñalang.*

Vice Speaker Tenorio: Clarification.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, I understand the problem because the hotel industry is trying to address this but I just wanted to find out if we're talking about the seaweeds that are washed ashore by the waves or we're talking about the seaweeds that are in the water?

Rep A. Palacios: This is in the water.

Vice Speaker Tenorio: You want to remove the seaweeds?

Rep A. Palacios: That's correct.

Rep A. Palacios: You see, Vice Speaker, Public Law 11-63 prohibits noncommercial harvest.

Speaker Hofschneider: That's your bill, Vice Speaker.

Rep A. Palacios: By the way, that's your bill.

Vice Speaker Tenorio: Yes.

Rep A. Palacios: And in the years passed and even in this Legislature, the Marianas Visitors Authority and the Hotel Association have requested an exemption from Public Law 11-63. But even the Coastal Resources Management nor the Division of Fish & Wildlife can permit that because of the statute, which is prohibitive. Basically what they're asking for is an area where they can harvest some of these and take them away because there's a high proliferation of seaweeds and sea grasses fronting the hotels, inhibiting and restricting the tourist from utilizing the beach area, and the waters for swimming. They can put up swimming zones. They buoy areas where the tourist won't go swimming. I guess for us natives it's okay but tourist just don't – and they've asked for this exemption for quite a number of years. I don't think ecologically there's any major impact. You allow the hotels to do this. Whether it's 50 yards or 50 feet, I don't think there's going to be any major ecologically impact at all if we allow them that. In fact, a lot of this proliferation is due to manmade activities and that's the sedimentation in high nutrient trip that goes in to our waters in the western lagoon.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, my only concern is actually what he just mentioned whether there's going to be any ecological impact by removing the seaweeds. You're removing natural – my understanding also, Mr. Speaker, is that they're referring to the seaweeds growing as a result of pollution or sedimentation and I don't know how does that impact the microenvironment of that area. As you know, we have by virtue of these people or visitors around us clean up the entire – in most areas we don't even see sea cucumbers because they all disappeared. People are eating it and there's impact on the environment that we don't know. I don't know if anybody has ever done any study at all to safeguard the environment to see what is happening.

Rep A. Palacios: These are studies by DEQ and CRM and the ongoing studies by the Army Corps. Engineers in the lagoon relative to the ecosystem quality enhancement is a project by the Corps. One of the contributing factors to the situation of seaweeds and sea grasses in our lagoons has been the sedimentation and the high nutrient from the drainage system. If you look at, for example, Dai Ichi,

or Hafa Adai, there is now a higher proliferation of seaweeds and sea grasses in that area because of this high nutrient. This may, in fact, just allow the Marianas Visitors Authority or the Hotel Association to address this issue until such time that we address a permanent solution.

Vice Speaker Tenorio: Well, it seems to me, Mr. Speaker, that the problem here is not necessarily the seaweed. It's the sedimentation as result of the ocean and water too and that has to be addressed first. Maybe eventually the situation will correct itself through natural...

Rep A. Palacios: I agree with you and until such time that we give millions and millions of dollars to fund the ponding basin and the created wetland that the Executive Branch is undertaking, we can give MVA and the hotels a temporarily solution.

Speaker Hofschneider: Representative Palacios, what do you mean by reasonable area from the high water mark?

Rep A. Palacios: Probably 50 yards, Mr. Speaker, which is usually what CRM allows for swimming zone for hotels to cordon as swimming zones.

Speaker Hofschneider: So can we add additional language to say, provided however no more than 50 yards and make it distinctly clear so that we do not go beyond the 50 yards. For all intents and purposes they may go over 200, 300 yards for activities that is related to the specific hotel.

Rep A. Palacios: Yes, I...

Speaker Hofschneider: You have to have a...

Rep A. Palacios: Get the point. Yes. On page 2, Mr. Speaker, on subsection b, the second sentence says the Coastal Resources Management in consultation with the Division of Fish & Wildlife shall promulgate rules governing the area of allowance for the removal of seaweeds. So rather than us putting in the statute, we'll allow the respective agencies to make these areas.

Speaker Hofschneider: I think the virtue of making an amendment of Public Law 11-63 in itself is accommodating giving the authority to the Coastal Resources Management and the Division of Fish & Wildlife. But it is the duty of this house to demarcate the boundaries so that you mitigate and minimize the total environmental impact. You have accommodated them by relieving them from the restriction. Now you must put a definition or definite zones within which CRM and the Division of Fish & Wildlife may in fact promulgate those regulations. If you're saying 50 yards then that should be sufficient for them to operate. Reminder. The lagoon is not that far. The reef itself is not that far.

Rep A. Palacios: Yes. I think 50 yards – and allow for the boundaries of the hotel is reasonable. That's usually what is allowed, if my memory serves me.

Speaker Hofschneider: I think you provided the breadth but the width is open or subject to...

Rep A. Palacios: Width would be the width of the...

Speaker Hofschneider: Property.

Rep A. Palacios: The property.

Speaker Hofschneider: Yes. So adjacent to two hotels, for instance, Dai Ichi and Hyatt, both applying the same permit would have a huge impact to that area. So if you do not minimize or define the maximum limitation, 50 yards the horizontal permit and then you don't define the width or the breadth in this sense because the width is defined then the total impact is monumental to that area.

Rep A. Palacios: Well, that's why, Mr. Speaker, just for that particular instance we are doused. I believe we should allow the agencies to have the flexibility to make the rules. For example, for Hyatt and Dai Ichi, which are adjacent...

Speaker Hofschneider: I disagree with that notion because you're exempting them. You're taking them out from that restriction and there is no concrete evidence that the long-term impact is known. Therefore, it is environmentally sound and define the maximum boundary to be impacted. In the future if that is proven otherwise, then you relieve the 50 yards boundary and increase it. But until such neither you nor I nor anyone is confident in the adverse impact of such undertaking, and to leave it open is disastrous.

Rep A. Palacios: That's fine, Mr. Speaker. 50 yards is just evidently sufficient and I was going to leave it to the authorities to see whether that's too much but to leave 50 yards more than adequate because usually the swimming zone is...

The Chair recognized Representative Aldan.

Rep. Aldan: Mr. Speaker, when you go the major hotels here, they have designated swimming areas. I'm afraid if we go on the whole boundary of the hotel some of the hotels have 1,000 feet in boundary. So if you're talking about 1,000 feet times 150 feet out that's a lot of square meters. So I think what we should do is allow the hotels to designate a swimming area and just limit it to 50 square yards. 50 yards width and 50 yards length so that the area would not be impacted. Minimal impact on the area because if you go to the width of the hotel and let's say Dai Ichi, for example, the length for the boundary of Dai Ichi is about 1,000 feet. If you're going to take the whole length and then you extend out 50 yards, that's a 150 feet. So you're talking about a huge area there. But if we limit them and designate like Hyatt right now has a swimming area and that's about 50 square yards. That's more than adequate for a swimming area. We should do the same for Hotel Nikko, Dai Ichi, Grand Hotel and the rest otherwise like Grand Hotel and the New World Resort if you extend the limit of the boundaries and if those two are bounded together then you're talking about 2,000 feet of boundary there that you're going to clear of sea grasses. But if we limit them to 50 square yards of swimming area each that should minimize the impact of the swimming.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Thank you, Mr. Speaker. What's the recommendation by the hotel industry because I'm for it? I think we need to clean the area but this thing opens up not only hotels now but maybe motels. There's some areas where seaweeds are important to shell growth and marine life. You know as well as I that there's a lot of negative impact our coastal resources now because of all that's happening, pollution, people over hunting and other factor. The actual impact of what we're trying to do here is not known. It's something that we're probably just guessing. Your guess is as

good as mine as what we are after. However assigning a definite area, if it's only for swimming purposes, I think we should get more input from the hotel and try to allow certain areas for swimming as Congressman Aldan recommended. Otherwise, we're opening up to all kinds of destruction of our beaches, sea lives and water.

Speaker Hofschneider: Let me offer a language to insure. Like Representative Aldan was advocating, regardless of the length but then the width governs of how big an area is. So whether it's rectangle or totally square, I think the rule is the square area impacted. So we can add a language after the language "high water mark" "up to 50 yards or not more than 5,000 square yards whichever is less."

Rep. S. Torres: 5,000 square yards.

Speaker Hofschneider: 5,000 is 50 times 100. 100 yards times 50 yards is, 5,000 square yards. So whether you square it or you stretch it long still the impact is fixed 5,000 square yards. *Yanggen dikiki iyon-ña property, i length, wide i property* then you can clean more but the fixed is the square yard. So CRM and the Division of Fish & Wildlife now has consistent rule to apply and they may in fact reduce it at their discretion but not to exceed the total impact of 5,000 square yards. How's that?

Vice Speaker Tenorio: 5,000 square yards is 45. Roughly 9 times 5 is 45,000 square feet. 43,516 square feet is 1 acre.

Speaker Hofschneider: That's just an example. So if you want – it's very rare that one hotel would get 1,000 feet of property. 500, for example, you divide it by 9 you have 55 yards times 50 yards. So you're looking at 2,500 square yards. Okay? So whether you stretch it long or make it perfectly square the total impact is fixed not to exceed 2,500 square yards. 50 times 50 *dipendi gi property gi hotel*.

Rep A. Palacios: So on line 5, Mr. Speaker, is to try put a wording in there that says provided that the area of allowance shall not exceed 2,500 square yards?

Speaker Hofschneider: On line 6, hotel property and a reasonable area from the high water mark. That's your width up to 50 yards or not more than 2,500 square yards, whichever is less.

Vice Speaker Tenorio: About half acre. That's good enough. That's a big swimming pool.

The Chair recognized Representative Castro.

Rep. Castro: Chairman Palacios, are these seaweeds and sea grasses to be transplanted at another place?

Rep A. Palacios: Not necessarily. That's why we can have the Division of Fish & Wildlife and the Coastal Resources Management even govern rules, put rules so that certain percentage of the task that they take out, for example, could be replanted within a designated area. So not all apply to those permits and flexibility.

Speaker Hofschneider: Okay. So you want to offer that language?

Rep A. Palacios: So moved. You want me to reiterate it?

Speaker Hofschneider: Yes. An oral floor amendment on page 2, line 6 offered by Representative Palacios delete the “period and the close quotation” and continue the sentence “up to 50 yards or not more than 2,500 square yards, whichever is less.”

The motion was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. We’re discussing H. B. NO. 13-324 as amended. Ready?

Floor Leader Attao voiced, “ready.”

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-324, 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	yes
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	abstained
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: By a vote of 15 “yes”, 1 “no”, 1 “abstention”, 1 “absent”, H. B. NO. 13-324 as amended is hereby passed on First and Final Reading. Floor Leader.

Floor Leader Attao: Mr. Speaker, the legal counsel has completed the amendment to S. B. NO. 13-154, HD1. With this, Mr. Speaker, I move for the passage of S. B. NO. 13-154, HD1 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-154, HD1: A BILL FOR AN ACT TO AMEND 2 CMC §1316(n); AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass S. B. NO. 13-154 as amended reference SEN. COMM. 13-269 on First and Final Reading has been seconded. Any further discussion on S. B. NO. 13-154? Representative Stanley Torres.

Rep. S. Torres: Mr. Speaker, I'd like to offer an oral floor amendment to S. B. NO. 13-154.

Speaker Hofschneider: Can we just duplicate that? It's easier for the clerk. Short recess.

The House recessed at 8:51 p.m.

RECESS

The House reconvened at 8:54 p.m.

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

Rep. S. Torres: Mr. Speaker and members, on S. B. NO. 13-154, HD1, I'd like to read out the amendment. First, strikeout "Sections 3 and 4" of the bill and add a new "Section 3 and re-designate subsequent affected Sections." The new Section now is "Section 3. 3 CMC §1316(n) is repealed and reenacted to read: (n) (i) to appoint and to terminate the President of the college; (ii) to appoint and to terminate officers, faculty, employees and staff of the college consistent with the applicable policies, rules and regulations of the Civil Service Commission and to establish their responsibility and authority and to set clarification in salaries. The college is specifically exempted from 1984 Compensation Adjustment Act (1 CMC Division 8, Part 2, Chapter 4), as amended, and the Commonwealth Salary Act of 1988 (1 CMC Division 8, Part 2, Chapter 1), as amended." Thank you.

The motion was seconded. There was no discussion, and the written floor amendment offered by Representative Stanley Torres to S. B. NO. 13-154, HD1 was carried by voice vote.

Speaker Hofschneider: The floor amendment passes. We're back to discussing S. B. NO. 13-154 as amended. Representative Quitugua.

Rep. Quitugua: Mr. Speaker, I cannot help but register my objection to the bill. I have been here in the House for approximately one year eight months and I have seen excellent bills. I have also seen reactionary bills and it appears to me that this is one of them. Whenever we don't like the individual sitting in the position, we try to change that person by amending the structure. I think the setup at the college at its present state is fairly good. Should in the future it needs to be conclude further but I just felt, Mr. Speaker and members, that hidden intent of this bill is nothing more than to penalize the person that is occupying the position at present, and I think that is not right, Mr. Speaker. If we are serious about correcting the structure then let's then let's address this structure. Let's specifically address how it can be better not how it can affect the person that you don't like. I don't think the college students appreciate this. Thank you, Mr. Speaker.

The Chair recognized Representative Torres.

Rep. S. Torres: I'm done with my amendment.

Speaker Hofschneider: Is this going to deal with the decision of the court, Representative Torres?

Rep. S. Torres: Because the court decides to dismiss the case. The court case is a college case requesting the court to dismiss the employees terminated because the college maintained that the employees of the college are not entitled to the protection of the civil service. But the court says yes they are entitled and this is why we need to put a tooth by passing this bill so that the employees are protected not just the eleven employees that were terminated. I think there are three more that have been terminated for no cause.

Speaker Hofschneider: Are we talking about the due process not being given?

Rep. S. Torres: Right. Exactly. This protects the employees on their due process.

Speaker Hofschneider: And in no way are you targeting this amendment on the President?

Rep. S. Torres: I have no ill feeling towards the President. He's my friend. I like the President's project. I am supporting the Pacific Gateway Project. It's just that the way he's doing it he's not doing it right. But I like the project.

Speaker Hofschneider: And he's your friend?

Rep. S. Torres: He's my friend. I shook hand with him.

Speaker Hofschneider: Clerk, roll call. Representative Palacios, you have...

Rep. H. Palacios: I was going to move to end debate.

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-265, CS1, 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. Deleon Guerrero: To comply with the CNMI Court Order CV03-0092, yes.

Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	yes
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	abstained
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes

Vice Speaker Tenorio: To comply with the due process, Mr. Speaker, I vote 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 “yes”, 1 “abstention”, 1 “absent”, S. B. NO. 13-154, as amended, is hereby passed by the House. Floor Leader.

Rep. H. Palacios: Mr. Speaker, point of information.

Speaker Hofschneider: State your point.

Rep. H. Palacios: What time are we going to recess or adjourn?

Rep. Ada: *Kiora i hamburger magi?*

Speaker Hofschneider: *Esta ti apmam.* We’ll try to finish as many as possible so that we attend to other business. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-149 reference SEN. COMM. 13-223 on First and Final Reading.

The motion was seconded.

S. B. NO. 13-149: A BILL FOR AN ACT TO AMEND PL 13-18 TO RESTRICT ELECTED OFFICIALS FROM PARTICIPATING IN THE ELECTION PROCESS ON ELECTION DAY OTHER THAN TO EXERCISE THEIR RIGHT TO VOTE; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Reference to SEN. COMM. 13-223?

Floor Leader Attao: SEN. COMM. 13-223.

Speaker Hofschneider: That’s not included on the day’s calendar.

Floor Leader Attao: Subsidiary motion to include S. B. NO. 13-149 reference SEN. COMM. 13-223.

The motion to include S. B. NO. 13-149 reference SEN. COMM. 13-223 on the day’s calendar was seconded and carried by voice vote.

Speaker Hofschneider: S. B. NO. 13-149 reference SEN. COMM. 13-223 is hereby placed on the day’s calendar.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-149 on First and Final Reading.

The motion was seconded.

S. B. NO. 13-149: A BILL FOR AN ACT TO AMEND PL 13-18 TO RESTRICT ELECTED OFFICIALS FROM PARTICIPATING IN THE ELECTION PROCESS ON ELECTION DAY OTHER THAN TO EXERCISE THEIR RIGHT TO VOTE; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass S. B. NO. 13-149 reference SEN. COMM. 13-223 has been seconded. Discussion on the bill. Representative Babauta.

Rep. Babauta: Thank you. Mr. Speaker, on page 1, line 17, I noticed the last words. It's only good up to October 4, 2003.

Speaker Hofschneider: Including this upcoming. So beginning this election in November.

Several members voiced, "ready."

The Chair recognized Representative Palacios.

Rep. H. Palacios: I thought we already have all that rules and regulations. No?

Speaker Hofschneider: If you recall, all the parties were given an approved list of observers and poll workers that all the parties were supposed to select from. This is from the Election Commission. And included in that last were or was an elected official that may complicate the election process either through intimidation, or the presence of a ranking elected official in the polling places would not be conducive to the free and the right of the voters to cast the way they wish.

Rep. H. Palacios: Point of information.

Speaker Hofschneider: State your point.

Rep. H. Palacios: What about candidates that have not yet been elected?

Speaker Hofschneider: No. This is only for elected individuals.

Rep. H. Palacios: Yes. But, Mr. Speaker, we're talking about Election Law during election day.

Speaker Hofschneider: Yes.

Rep. H. Palacios: So a candidate is allowed to interfere?

Speaker Hofschneider: No. That's in the regulation. That's in the law. Candidates themselves are not permitted within 100 feet of the polling places.

Rep. S. Torres: Just go in and vote and get out.

Rep. H. Palacios: Yes. They should cast their votes and get out too.

Speaker Hofschneider: Correct.

Rep. H. Palacios: So that should be included in the language.

Speaker Hofschneider: It's already in existence in the law. It's in the current law.

Rep. Deleon Guerrero: It’s implied, Mr. Speaker, that the intent of this bill is to prohibit incumbent elected officials from exercising their power – no?

Speaker Hofschneider: For instance, example, if one of the Senators that is not up for reelection this November is one of those approved list for observer or poll worker, that can influence by being present within the 100 feet and inside the polling places. Your presence as an elected individual influences people – How? Because they don’t want to be put in to a position to disclose either physical, body language or in fact taint the democratic process of your right to vote in secrecy. Clear? Discussion. Ready?

Several members voiced, “ready.”

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-149, 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	yes
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: By a vote of 16 “yes”, 1 “no”, 1 “absent”, S. B. NO. 13-149 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. 13-152 reference SEN. COMM. 13-268 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-152: A BILL FOR AN ACT TO ALLOW THE GARMENT INDUSTRY TO MAKE APPROPRIATE ADJUSTMENTS TO THE QUOTA ELIMINATION IN 2004; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass of S. B. NO. 13-152 reference SEN. COMM. 13-268 on First and Final Reading has been seconded. Discussion on the bill. Representative Palacios.

Rep. H. Palacios: Thank you, Mr. Speaker. I thought that we're waiting for that bill to be included on the public hearing.

Speaker Hofschneider: Correct. May I ask the members to please allow the Sub-Committee on Labor & Immigration to look into this bill?

Rep. Babauta: I agree, Mr. Speaker.

Speaker Hofschneider: Subsidiary motion to refer to the Committee.

Floor Leader Attao: Yes. Subsidiary motion to refer S. B. NO. 13-152 to the Sub-Committee on Labor & Immigration. Mr. Speaker, may I ask the Chair to expedite the public hearing on this because I think the legal counsel for the Governor is promulgating rules and regulations, and I think that's going to effectuate 15 days from today. I think there's a problem on the emergency regulation mandating the garment industry to hire those people who have set a lawsuit and also those people who are no longer working on the other garment factories. I don't think it's fair for anybody to mandate a garment factory to hire those people that don't have problems here on the island and I'm asking the Chair to expedite the public hearing to avoid the emergency regulation again.

Speaker Hofschneider: I believe that the Chairman has set a date for the public hearing on the regulation and with this bill. Representative Palacios.

Rep. H. Palacios: Mr. Speaker, I'm going to have to ask the Senate Legal Counsel, Tony Cabrera to come to this because our legal counsel, Lillian Tenorio, is gone for a while.

Speaker Hofschneider: Have we set a date?

Rep. H. Palacios: What's today?—Monday?

Speaker Hofschneider: September 22.

Rep. H. Palacios: When would you recommend, Mr. Speaker?

Speaker Hofschneider: As early as possible as the Floor Leader echoed that the regulation is being contemplated. It may in fact be changed before we get the chance to...

Rep. H. Palacios: I can pass out the notice the day after tomorrow and we'll have it on Tuesday.

Rep. Ada: Tuesday?

Rep. H. Palacios: Tuesday.

Speaker Hofschneider: Next week. So can we have a subsidiary motion to refer S. B. NO. 13-152 to the Sub-Committee on Labor & Immigration?

Floor Leader Attao: Subsidiary motion to refer S. B. NO. 13-152 to the Sub-Committee on Labor & Immigration. Mr. Speaker, may I also include H. B. NO. 13-333? I think the bills are identical, Mr. Speaker.

Rep. H. Palacios: Floor Leader, what is the other bill?

Floor Leader Attao: H. B. NO. 13-333 amending P. L. 11-6.

Speaker Hofschneider: *Iyom-mu bill, Mr. Chairman.*

Rep. H. Palacios: Yes.

The motion to refer S. B. NO. 13-152 and H. B. NO. 13-333 to the Sub-Committee on Labor & Immigration for a public hearing was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried.

Vice Speaker Tenorio: *Man ñalang nai esta, Mr. Speaker.*

Speaker Hofschneider: Short recess for cheeseburgers.

The House recessed at 9:15 p.m.

RECESS

The House reconvened at 9:35 p.m.

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

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move for the passage of H. B. NO. 13-113 on First and Final Reading.

H. B. NO. 13-113: A BILL FOR AN ACT TO ESTABLISH A NORTHERN MARIANAS HALL OF FAME; AND FOR OTHER PURPOSES.

Speaker Hofschneider: In our last deliberation on the same bill – did we fix problems? I remember that on the discussion, the members wanted to put it in the organizational chart of the government of the Commonwealth under the Historical Preservation Office.

Floor Leader Attao: Yes. I think that was the amendment, Mr. Speaker.

Vice Speaker Tenorio: What's the Senate Communication reference number, Mr. Speaker?

Speaker Hofschneider: No, this is H. B. NO. 13-113. The motion to pass H. B. NO. 13-113 on First and Final Reading has been seconded. Discussion on the bill. Ready?

Rep. Babauta voiced, "ready."

Speaker Hofschneider: This is self-preservation, guys. Ready? Any comments? Mr. Chairman, on JGO?

Rep. Ada: I think it's about time that we do something like this for our leaders who are now resting in peace. I hope this is for former – we don't want to show it to the public that we're – time will come to pass when we're out of this place and that's the time where we don't have conflict of interest and we're inducted. But I applaud the author for coming out with this kind of bill. Thank you.

Speaker Hofschneider: Do you envision yourself?

Rep. Ada: Well, Mr. Speaker, the 9 by 6 feet deep is enough but I really do applaud the author for a first time endeavor for our leaders.

The Chair recognized Representative Quitugua.

Rep. Quitugua: Thank you, Mr. Speaker. We have seen members of our community pass away and have contributed significantly to, not only our economic and political, but also the cultural enhancement and development of our islands and the best we can do to acknowledge their contribution is provide them a state funeral. I believe this bill will elevate that recognition to a higher level and you don't have to wait until the time is called upon you to be given that accolade. I think there are a lot of people within our community that are currently still alive that deserve recognition, for example, those individuals that have put us where we are right now, the Marianas Political Status Commission, the members of the constitutional conventions. Those people deserve recognition, Mr. Speaker. And not only adults, there are also youths within our community who have contributed to the betterment of our islands and I think giving this small token will provide them with that acknowledgement.

The Chair recognized Representative Herman Palacios.

Rep. H. Palacios: Point of information, Mr. Speaker.

Speaker Hofschneider: State your point.

Rep. H. Palacios: Do we recognize them during their lifetime or after their death?

Rep. Babauta: Before and after.

Speaker Hofschneider: The bill proposes both. For those that have passed will obviously be if they have served in one of the capacities listed in Section 13 then they will be automatically inducted. Continue.

Rep. H. Palacios: So what happens if he becomes one of these famous people for whatever he did then he got into a problem and becomes a convict? What do we do? Do we erase his name?

Speaker Hofschneider: That's a good question. Representative Quitugua, you want to make an amendment?

Rep. Quitugua: Yes, Mr. Speaker. I'm glad that you pointed that out, Representative Palacios. Maybe you can offer an amendment to that effect.

Rep. H. Palacios: I would yield to Representative Ada.

Speaker Hofschneider: Representative Ada, since you're the Chairman on JGO.

Rep. Ada: Well, okay. For example, if you serve a couple of terms and you pass your first time without any problems whatsoever and on the second term you're in violation. I am no position to really say, Mr. Speaker, that the person is a really a bad person because he committed an offense for the first time in his life when he has indeed served the people for two, three or four terms. May I yield to the Vice Speaker? That's my point. That's really my honest point.

Vice Speaker Tenorio: What was the question?

Speaker Hofschneider: Before you yield, could you turn off your electronic device?

Rep. Ada: *Hafa ya guahu ha un lalatdi ya i pumalu ti un – ilek-ta ha. Dinananche ha yu.* Mr. Speaker, honestly who are we to say that we are perfect in this earth – really? And for one wrong you are not recognized. Should we strip you for all of your future titles prior to your criminal conviction, offense or violation?

Speaker Hofschneider: What if you murdered someone?

Rep. Ada: But it doesn't erase your name from the fact that you served in the Tenth and Eleventh Legislature and then you murdered someone in the Thirteenth Legislature.

Rep A. Palacios: I don't think so.

Rep. Ada: No, for real. People will not forget that you served the people. Of course we won't probably give you an elaborate funeral for doing that in the end but we do not have the right to strip that person forever for what he has done previous to that.

Speaker Hofschneider: No, it's not a question of stripping a person's history serving appropriately. The point is while living and having served in a public service capacity and in your remaining days you committed a great crime do we bestow that individual and for the kids in the future of this Commonwealth recognize that individual's accomplishment in the past in spite of that fact that he or she has harmed and that one particular crime in his life amounts to a loss of life, for instance, or a great shame to the Commonwealth, do you bestow recognition under the Hall of Fame?

Rep. Ada: Well, on one side you become famous and the other side you don't. I really cannot judge on that, Mr. Speaker, at this point in time. My best answer would be not to put on record. For example, if you committed something in the Thirteenth Legislature and you served in the Tenth, Eleventh and Twelfth Legislatures, I think you should be recognized for the Tenth, Eleventh and Twelfth Legislatures and not the Thirteenth Legislature. So, in all honesty, I don't know if I'm making sense here. The cheeseburger was good. But it's a very good point. Thank you colleague for bringing this up and right now...

Vice Speaker Tenorio: Mr. Speaker, I have a point of information.

Speaker Hofschneider: State your point.

Vice Speaker Tenorio: Thank you, Mr. Speaker. Mr. Speaker, in comparison to what Congressman Ada is saying is just like naming of a building while the person is alive. He was a good man. He's done a lot of good work and then by accident killed somebody – but...

Speaker Hofschneider: Short recess.

The House recessed at 9:50 p.m.

RECESS

The House reconvened at 9:52 p.m.

Speaker Hofschneider: We're back to our session. Vice Speaker, you still have the floor.

Vice Speaker Tenorio: Thank you, Mr. Speaker. I want those words stricken out from the record. But we were discussing about the impact of perhaps the person's action when he's alive and you name a certain building or in the Hall of Fame and what happens if that person, while alive, commits something that's not acceptable to the public. Do we recommend that we take his name down or do we condemn them?

Rep. Ada: That's a good point.

Vice Speaker Tenorio: But we have cases now and what are we doing about it?

Rep. H. Palacios: Mr. Speaker, point of information.

Speaker Hofschneider: State your point.

Rep. H. Palacios: Is the Vice Speaker talking about a dead man doing something wrong?

Vice Speaker Tenorio: No. I think it's either I'm sleepy or you're sleepy...

Rep. H. Palacios: During your lifetime?

The Chair recognized Representative Deleon Guerrero.

Rep. Deleon Guerrero: *Mr. Speaker, dangkulo na onru este para u mana halom na'an-ña i taotao guine.* I think that there should be criteria because I see this serving two purposes. One is to recognize and honor those individuals who have contributed and conducted themselves in an honorable manner. Second, it is also to encourage our people to do well and inspire people to be at their best. I guess what I'm trying to say is it could demean the very intent of this Hall of Fame if we do not set some criteria because this could backfire if we allow *ya malingu ha iyon-ña meaning and value.* The value. If we're serious about these standards, not just standards, but the highest standards should be set so that...

Speaker Hofschneider: Perhaps a point of information. The process whereby a person considered to receive the Nobel Peace Prize at times takes 10, 15 years. These processes have different criteria on

the basis of the individual concerned but they also follow the person throughout and for that reason, the Nobel Peace Prize is one of the most revered and time honored award in our lifetime and around the world because the process by the commission itself is quite extensive and very lengthy especially in the area of peace efforts. You have an individual still alive – the champion of breaking down Apartheid in South Africa, for instance, Nelson Mandela went through a lengthy process and there are numerous recipients that are very controversial and the process took over 15 years to consider. The reason behind this is they follow the individual whether they merit and deserved to be given that global recognition in keeping the essence and the integrity of the commission. So I think that by giving the authority or the prescription to the commission as proposed in the bill perhaps through promulgation of regulation. How one can come to the first level then overtime the second level, the third until the final decision is decided whether to actually award a person and be inducted for permanent bestowment of that recognition of the community. The process of waiting around serves a purpose. Often times we hastily try and recognize for the moment but in the end, as the concern raised by Representative Palacios, we fell short of recognizing the other attributes of individual to be considered. Representative Aldan.

Rep. Aldan: Mr. Speaker, in the future, history is going to dictate the contribution of each individual. Let's say Candy Taman who has been contributing a lot of cultural songs to our community right now and in the future Candy kills somebody, we cannot ignore the fact that he has contributed a lot to the community. So we cannot say that just because a person commits a crime in the future, his contribution in the past cannot be ignored as significant. So we're going to have to watch ourselves on how we guage individuals being given recognition.

Speaker Hofschneider: I think that establishing this legislation into law and working with the commission to talk about how to promulgate appropriate measures to safeguard these examples that we're sharing but we need to start somewhere. I think the bill is adequate to get it going and anything in term of refining it can come later. Ready?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-113 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	yes
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

Vice Speaker Tenorio: Mr. Speaker, we have named buildings for people who are still alive and we'll take the risk and whatever they will do in the future. So I think it's similar to this. I think a person that deserves to be recognized ought to be recognized the time where his contribution is. My vote is 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 17 "yes", 1 "absent", H. B. NO. 13-113 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: I move for the passage of H. B. NO. 13-038 on First and Final Reading.

Rep. Babauta seconded the motion.

H. B. NO. 13-038: A BILL FOR AN ACT TO ENABLE AND TO FACILITATE A VIABLE ECONOMIC DEVELOPMENT IN THE NORTHERN ISLANDS OF ANATAHAN, SARIGAN, ALAMAGAN, PAGAN, AND AGRIHAN; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass H. B. NO. 13-038 reference Northern Islands Economic Development Incentive Act on First and Final Reading has been seconded. Discussion on the bill.

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-038 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	yes
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 the way, members, there are many bills that we have passed and remain to be passed and I noticed that sometimes like this particular bill is only sponsored by the author. So if you care to co-sponsor please do so before it is transmitted to the Senate.

Rep. W. Torres: Mr. Speaker, I know that Precinct III will cosponsor.

Speaker Hofschneider: By a vote of 17 “yes”, 1 “absent”, H. B. NO. 13-038 is hereby passed by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-244 on First and Final Reading.

Rep. Babauta seconded the motion.

H. B. NO. 13-244: A BILL FOR AN ACT TO REGULATE RECONNECTION FEES WHICH THE COMMONWEALTH UTILITIES CORPORATION, THE CABLE AND TELEPHONE COMPANIES MAY CHARGE TO ITS SUBSCRIBERS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass H. B. NO. 13-244 reference CNMI Reconnection Act on First and Final Reading has been seconded. Discussion on the bill.

Rep. Ada: CNMI Reconnection?

Speaker Hofschneider: Utilities reconnection.

Rep. Ada: Oh, the fees?

Speaker Hofschneider: CUC, the local cable and telephone companies.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Just for the record, Mr. Speaker, this is a consumer protection bill and this refers to CUC as well as the local cable, other utilities and telephones companies. Often times, Mr. Speaker, some companies make more money in reconnection fees than they actually do in providing the service and we try to discourage this. For instance, you have pay \$70 a reconnection fee for CUC utility services even if the amount to pay is only \$15. So we want to discourage this. These companies charge the actual cost of reconnection and like telephone companies a lot of these are all by a click of the switch. So it's a consumer protection bill to prevent or to stop this practice of companies generating funds or making money through excessive reconnection fees.

The Chair recognized Representative Castro.

Rep. Castro: Thank you, Mr. Speaker. I agree with the Vice Speaker. Mr. Speaker, normally when a customer is delinquent there is a late charge. But when the service is limited, for example the telephones, sometimes they have mechanical breakdowns but still the monthly payment is billed to the customer.

Speaker Hofschneider: Such as power outage for one day there is no proration as to the consumer being addressed. At times you have cable TV down in one area for a week as a result of typhoon but yet the billing is the same. So these are concerns that must be raised to this legislation.

The Chair recognized Representative Deleon Guerrero.

Rep. Deleon Guerrero: Mr. Speaker, I do not disagree with the intent of the bill. I do want to raise a question to the author about Section 4 Enforcement whether the Consumer Counsel as the enforcement branch may conflict with some of our legislation. For example, we know that the Commonwealth Telecommunication Commission is the primary agency regulating telephones. We know that CUC is the public utility commission regulating cable, whether this may infringe upon their authority.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: If I recall correctly, Mr. Speaker, I did raise this issue with the legal counsel then and we do have a consumer counsel at the Office of the Attorney General. So I don't see how this thing will conflict. I don't make the connection. They're the ones that do the enforcement so I don't see where that would conflict with CTS or...

Rep. Deleon Guerrero: Let me give you an example.

Speaker Hofschneider: Representative Deleon Guerrero, there must be a distinction between the two. When it comes to the Commonwealth Telecommunication Commission, I think under the prescription of that they should regulate but the cardinal enforcer of all Commonwealth laws and constitutional provisions of the Office of the Attorney General and that is not delegated. You cannot delegate that responsibility prescribed to the Office of the Attorney General under the Constitution. So we have to make a distinction here. In the enforcement of the laws, I think it's appropriate that the Attorney General enforces the laws of the Commonwealth. When it comes to details of enforcement of the regulation under CTC, that is the rightful domain of CTC.

Rep. Deleon Guerrero: In this issue because rates are the issue here, for example, the telephone company is for CTC and we're looking at putting a cap on the reconnection fess.

Speaker Hofschneider: No cap on reconnection. The mandate to cost recover the actual and not anything beyond the actual cost of either flicking a switch, turning on your telephone or simply the man-hours attributed to a utility person climbing up disconnecting the cable and then thereby coming back and connecting it computed in man hours. You're not setting the cap. So if a person who climbs up is paid \$15 an hour that's prorated in how much time a person disconnects and reconnects.

Rep. Deleon Guerrero: Mr. Speaker, if I'm not mistaken, one of CTC's responsibility is to review the tariff. No?

Speaker Hofschneider: Yes.

Rep. Deleon Guerrero: Does that include services that it provides?

Speaker Hofschneider: Yes.

Rep. Deleon Guerrero: Does connecting and reconnecting include as service that is...

Speaker Hofschneider: Yes.

Rep. Deleon Guerrero: So isn't that something that it regulates or it...

Speaker Hofschneider: It regulates but the enforcement of laws is really the domain of the Office of the Attorney General under the Constitution. You may delete the Attorney General and transfer the responsibility of monitoring and enforcing the set rates. But since there are no set rates this bill is merely forcing the entities, CUC, cable and telephone companies to declare what it cost to connect, disconnect and reconnect.

Rep. Deleon Guerrero: As long as it doesn't conflict, Mr. Speaker. I guess that was whole point is that as long as the way the bill was written does not conflict with existing laws or statutes that already governed these bodies.

Speaker Hofschneider: I think that we can all feel safe that enforcement of laws in the Commonwealth is vested in the Attorney General. You can one or the other but not both. So if you want the CTC to be the enforcer of those rates then we have to amend this section and give it CTC. But the way it is written, this law is giving the Attorney General the charge to enforce it so one of the two. Representative Torres.

Rep. W. Torres: I think CTC is at its infancy state at this point and obviously probably in the future there may be a point of transitioning but the Office of Consumer Counsel at the Office of the Attorney General is really the appropriate unit to enforce these things because these have to do with consumer protection. Before I get there I have to depart slightly from the rate setting concept of these reconnection fees. I don't really see these as part of the function of that commission but at any rate, the Consumer Counsel really should be the unit enforcing these and increasingly this Legislature is putting a lot of reliance of that particular unit in the Office of the Attorney General. A case in point, the recent enactment of the Sin Tax Law where we provided some funding for that office to oversee the Tobacco Master Settlement and I think in the future we'll be amending the law governing the consumer protection in the Office of the Attorney General so we can expand that responsibility even more all in the name of consumer protection. Thank you.

Speaker Hofschneider: Before we proceed, I'd like to offer an oral floor amendment just to polish up the bill. On page 1, line 1 ~~strikeout~~ the following words after fee "of the Commonwealth of the Northern Mariana Islands" and insert "Act" with an open/close quotation on the bold words "Reconnection Fee Act". Understood? On line 3 right after Purpose and Findings insert "T" in lieu of "t" and on line 11 insert "and" after the "comma". On page 2, line 4 ~~strikeout~~ "man" and insert "labor". On line 7 ~~strikeout~~ "will" and insert "shall" and on line 22 drop the "s" on "its" and it shall read "it". Any second?

Rep. Babauta seconded the motion.

Rep. W. Torres: Mr. Speaker, further on line 21 on the same page on the word "its" on the first line after the word upon.

Speaker Hofschneider: No. It's okay.

There was no further discussion, and the oral floor amendment offered by Speaker Hofschneider to H. B. NO. 13-244 was carried by voice vote.

Speaker Hofschneider: Motion carried. Ready?

Several members voiced, “ready.”

Speaker Hofschneider: We’re voting on H. B. NO. 13-038 as amended. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-244, 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	yes
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 17 “yes”, 1 “absent”, H. B. NO. 13-244 as amended 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. 13-320, HD1 on Second and Final Reading.

Rep. Babauta seconded the motion.

H. B. NO. 13-320, HD1: A BILL FOR AN ACT TO REAPPROPRIATE \$1,000,000.00 FROM PUBLIC LAW 11-119, SECTION 5(c)(3) KAGMAN HOMESTEAD-WASTEWATER SYSTEM FOR THE CONSTRUCTION OF SEWER DISTRIBUTION LINES FROM NORTHERN MARIANAS COLLEGE TO TUN ANTONIO APA ROAD TUN JOAQUIN DAI ROAD; AND FOR OTHER PURPOSES.

Speaker Hofschneider: I thought we agreed to kill the bill.

Rep. Ada: Yes, we’re going to kill it, Mr. Speaker.

Speaker Hofschneider: The motion to pass H. B. NO. 13-320, HD1 on Second and Final Reading has been seconded. Discussion on the bill. Representative Deleon Guerrero.

Rep. Deleon Guerrero: Mr. Speaker, I was not present when this bill was introduced or discussed but I just want to make it clear for the record, that I cannot in any way support, endorse or even

consider a bill that will attempt to remove any funding from a project one that is underway. Two, that is insufficient at present and three the said issue. I don't want to repeat that, Mr. Speaker.

Speaker Hofschneider: Thank you. Representative Ada.

Rep. Ada: Mr. Speaker, even I attempted to re-appropriate money from this project for various Precinct I road projects only to find out after receiving a copy from the good Vice Speaker in detail what this \$9 million is about and good conscience to the people of Kagman where all our families are being asked to occupy their homesteads I cannot support this bill. Thank you.

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: I yield to my right hand here.

The Chair recognized the Floor Leader.

Floor Leader Attao: Mr. Speaker, first of all, I would like to ask the Vice Speaker pertaining to the meeting with CUC. I learned that the Vice Speaker and two members of Precinct I called CUC to meet regarding the \$1 million re-appropriation from the wastewater. Before I make my decision I would like the Vice Speaker to enlighten us on the status of their meeting.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Thank you, Mr. Speaker. Mr. Speaker, I don't have the figures in front of me or the minutes of that meeting but I recall that on a similar bill that we tried to pass that when we met with CUC they told us that the project is already in progress, the design has been completed and that come October the structure is going to be put into motion. Not only that but the distribution lines as well as the sewage treatment plant is going to be done at the same time so they need the funding, Mr. Speaker, and they have already used some of the funding for the A & E design. So based on their estimation, Mr. Speaker, even the funding that we have available now is only enough to do the distribution for – is that a distribution or they call it...

Rep. Aldan: Collection.

Vice Speaker Tenorio: Collection for two hundred sixty seven houses in that area and they need additional funding to do the second phase. But they're going to do this on a phase-by-phase basis, Mr. Speaker, so please don't try to take this away without even finishing the first phase. I don't see any reason at all for any of us here, Mr. Speaker, to try to take this money away when it's still in progress.

Speaker Hofschneider: Okay.

Vice Speaker Tenorio: Not only that, Mr. Speaker, but it's really a slap on the face for some of us who recognize there's a need to do this other project.

Speaker Hofschneider: Okay.

Vice Speaker Tenorio: And this is our Precinct so we're asking you to please withdraw this particular bill because it's not in the best interest of the people in Precinct I who stays in Kagman. Thank you.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I'm sure that everybody notices that this project is for Precinct I. During the series of meetings that we have had with the Public School System and the recent bill that we just passed on the shortages of classrooms we just found out that we're still short. Most of those classrooms are in Precinct I and this was one of the things that I had attempted with our Precinct I colleagues to at least move money if not for these specific projects on H. B. NO. 13-320, HD1 then let's look at PSS on the shortage of classrooms. So we have to come and make a tough decision and relief that.

The Chair recognized Representative Palacios.

Rep A. Palacios: Just for some information, Mr. Speaker. I'd like to ask our good Vice Speaker how much does it cost or is the sewer treatment plant going to cost – is this sewer treatment plant going to be a plant that's going to be able to accommodate all the household and all the lots in the Kagman area or is it going to be only big enough to accommodate two hundred fifty lots?

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Thank you, Mr. Speaker. I just mentioned that they're doing this on a phase-by-phase basis because one, the lack of funding to do all at the same time. Two, you can't do it all at the same time. But the phase I that they're doing now is the money that we have appropriated is enough to do phase I. Like I said, it should accommodate about two hundred sixty seven house lots on that area and we hope we can appropriate in the future another CIP funds to continue the sewer treatment plant because that area is fast growing and the schools needs to have a decent sewer treatment plant.

Rep A. Palacios: I understand, Mr. Speaker, but my question is this phase I inclusive of sewer collection system for two hundred sixty one lots and a sewer treatment plant only for two hundred sixty seven lots? That's what I'm trying to clarify here because what I understand is the collection system is going to be two hundred sixty seven lots.

Vice Speaker Tenorio: And the sewer treatment plant.

Rep A. Palacios: So it's good enough for two hundred sixty seven lots and the sewer treatment plant is only going to be big for two hundred sixty seven?

Vice Speaker Tenorio: No. I stand corrected, Mr. Speaker, the treatment plant itself is not for this whole entire area but the collection system with the money that's available now. That's what it's supposed to cover but the phase II project we still have to address that in the future. But we have to do phase I before we do phase II, Mr. Speaker.

The Chair recognized Representative Castro.

Rep. Castro: Thank you, Mr. Speaker. I was with the group from CUC when we were discussing the \$10 million funding and in order to fully complete the proposed project they need an additional \$12 million to accommodate the entire Kagman area. So we still need to identify \$12 million more for the completion of the entire project that Kagman.

The Chair recognized the Floor Leader.

Floor Leader Attao: Mr. Speaker, with that, it is crystal clear the Precinct I needs the \$1 million and for that reason, I move to file H. B. NO. 13-320, HD1.

The motion was seconded.

Speaker Hofschneider: Subsidiary motion to file H. B. NO. 13-320, HD1?

Floor Leader Attao: Yes, Mr. Speaker.

Vice Speaker Tenorio: Thank you, Mr. Floor Leader.

Speaker Hofschneider: The subsidiary motion to file H. B. NO. 13-320, HD1 has been seconded. Clerk, roll call.

The roll called on the motion to file H. B. NO. 13-320, HD1 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	yes
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 17 “yes”, 1 “absent”, H. B. NO. 13-320, HD1 is hereby filed by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-155 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-155: A BILL FOR AN ACT TO AMEND § 6205 (c) OF PUBLIC LAW 12-18; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading H. B. NO. 13-155 reference Election Act Amendment has been seconded. Discussion on the bill. I recognize Representative Aldan.

Rep. Aldan: Mr. Speaker, this bill is very controversial and I'd like to move to file this bill instead of passing it.

Rep. Ada seconded the motion to file H. B. NO. 13-155 and was carried by voice vote.

Speaker Hofschneider: H. B. NO. 13-155 is hereby filed by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-144 reference SEN. COMM. 13-266.

Rep. Babauta seconded the motion.

S. B. NO. 13-144: A BILL FOR AN ACT TO AMEND 2 CMC § 4323: TO REQUIRE THE MARIANAS PUBLIC LAND AUTHORITY TO GRANT TITLE TO PUBLIC LAND FOR QUALIFIED INDIVIDUALS WHO DEMONSTRATED FIFTEEN (15) YEARS OF CONTINUOUS AND ACTUAL OCCUPANCY OF PUBLIC LAND, BUT DID NOT RECEIVE SUCH TITLE DESPITE BEING QUALIFIED BECAUSE OF THEIR EXCLUSION FROM THE LIST OF QUALIFIED PERSONS ESTABLISHED BY MPLA; TO MANDATE THAT MPLA REVIEW ALL PAST AND PENDING CLAIMS AND GRANT SUCH TITLE TO QUALIFIED INDIVIDUALS; TO AMEND 2 CMC § 4324 TO EXTEND THE TIME LIMITATION FOR NEW CLAIMS MADE PURSUANT TO 2 CMC § 4323 FROM TWELVE (12) TO TWENTY-FIVE (25) YEARS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-144 reference SEN. COMM. 13-266 has been seconded.

Rep. Ada: Move to file.

Speaker Hofschneider: In essence doing away with requirements. Discussion on the bill. Representative Castro.

Rep. Castro: Thank you, Mr. Speaker. I don't have the copy of the bill with me but I reviewed at the office and I came up to the some of the names that are very confusing, Mr. Speaker. For example, those recipients from the islands of Pagan, Anatahan, Alimagan and Agrihan were not included in the bill. There were only very few names and I believe MPLA have other individuals who are qualified under that same intent. So I recommend that this bill be referred back to the Committee on Natural Resources for further review.

Vice Speaker Tenorio seconded the motion.

Vice Speaker Tenorio: Subsidiary motion.

Floor Leader Attao: Before you entertain that motion, Mr. Speaker, I'd also like the Committee on Natural Resources to take into consideration the issue of Monica Lizama and Pedro Togawa.

Speaker Hofschneider: So noted. The motion to refer H. B. NO. 13-144 to the House Standing Committee on Natural Resources and to include inconsideration of Monica Lizama and Pedro Togawa...

Floor Leader Attao: Let me make a correction. Mr. and Mrs. Joaquin Cruz Lizama and Mr. and Mrs. Pedro P. Togawa.

Speaker Hofschneider: Clarification. To include inconsideration of the bill, Mr. and Mrs. Joaquin C. Lizama and Mr. and Mrs. Pedro P. Togawa.

Rep. S. Torres: Mr. Speaker, can I make a recommendation? Put (Monica) *enaos* i Lizama because there may be another...

Speaker Hofschneider: So noted. Discussion on the motion to refer S. B. NO. 13-144 to the committee. Representative Aldan.

Rep. Aldan: Can we add, Mr. and Mrs. Ereneo B. Dela Cruz to that list?

Speaker Hofschneider: Discussion on the motion to refer to the committee?

Several members voiced, "ready."

There was no discussion, and the motion to refer S. B. NO. 13-144 to the House Standing Committee on Natural Resources was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-006 reference to SEN. COMM. 13-234 on First and Final Reading.

The motion was seconded.

S. B. NO. 13-006: A BILL FOR AN ACT TO FORGIVE EDUCATIONAL FINANCIAL ASSISTANCE LIABILITY OF RETURNING COLLEGE STUDENTS WHO CANNOT FIND EMPLOYMENT WITH THE COMMONWEALTH DUE TO BUDGETARY LIMITATIONS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-006 reference SEN. COMM. 13-234 has been seconded. Discussion on the bill. Representative Ada.

Rep. Ada: Mr. Spaker, for those who have paid their dues it would be unfair. I don't think the economic situation dictates the liability of an individual. That's all I can say.

Rep. Cabrera: Can we just defer it?

Speaker Hofschneider: There's an imbalance of fairness here. We're only forgiving those who cannot find employment in the government. What about those that cannot find employment in the private sector or both?

Rep. A. Palacios: Or find one in the private sector but cannot find in the government.

Rep. Aldan: We're discouraging them from looking for jobs in the private sector.

Rep. Deleon Guerrero: And what happens if they do find jobs after certain period of time? Are they forgiven already or we need to post the...

Speaker Hofschneider: Perhaps giving the discretion to the Scholarship Office for being the collector. The discretion of the Board to extend waivers until such time that they find employment either in the private sector or in the government, I think it's only fair. Refer to Committee on Education?

Rep. Ada: Yes.

Rep. A. Palacios: So moved.

Rep. Ada seconded the motion.

The Chair recognized Representative Quitugua.

Rep. Quitugua: [end of recording...beginning of recording]... and it haunts us later. Every time we do this we may satisfy our small population by doing this but in the future it continues to haunt us. I don't know, Mr. Speaker, I think I would rather collect \$2 from the students than this idea of forgiveness. We need to teach responsibility wise. When you borrow, you borrow and that means you have to pay back.

Vice Speaker Tenorio: Pay what you can afford.

Rep. Quitugua: I understand the difficulty of the economy and everybody is suffering but we still have to pay it back.

Speaker Hofschneider: You recommend filing the bill?

Rep. Quitugua: No, I'm not recommending to file the bill. I'm recommending that we find alternative ways to deal with this situation other than forgiveness.

Speaker Hofschneider: Well, we have three options. File the bill, pass the bill or refer it to the committee.

Floor Leader Attao: Refer it to the committee, Mr. Speaker.

Rep. Quitugua: Well, as long as it is specified the sentiment with respect to the idea but I will be more than happy to accept the bill.

Floor Leader Attao: Mr. Speaker, the personnel policy is that if you graduate, return back to the Commonwealth and you landed a job in the government you don't pay anything. But once you get a job in the private sector you have to pay the loan.

Speaker Hofschneider: That's unfair.

Rep. Deleon Guerrero: Is that the current...

Floor Leader Attao: Yes, that's the current policy.

Speaker Hofschneider: So we need to balance the burden on...

Floor Leader Attao: This is very true because my son just finished his school. He's working for a private company and he's going to pay \$22,000.00 from the loan while the same student who landed a job in the government doesn't pay anything. So I think we have to refer it to the committee so they can work on it.

Speaker Hofschneider: Can I hear a motion to refer it to the Committee on Education?

Floor Leader Attao: Subsidiary motion to refer S. B. NO. 13-006 to the Committee on Education.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: S. B. NO. 13-006 is hereby referred to the House Standing Committee on Education. Floor Leader.

Floor Leader Attao: I move for the passage of S. B. NO. 13-003 reference to SEN. COMM. 13-233 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-003: A BILL FOR AN ACT TO GIVE MEMBERS OF THE JUDICIARY THE RIGHT TO WAIVE THEIR SALARY AND INSTEAD RECEIVE THEIR RETIREMENT BENEFITS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage of S. B. NO. 13-003 reference SEN. COMM. 13-233 on First and Final Reading has been seconded. Discussion on the bill. Representative Ada.

Rep. Ada: Is this the same one that's applicable to us? Thank you. No further question.

Speaker Hofschneider: Any further comments? Representative Deleon Guerrero.

Rep. Deleon Guerrero: Does anybody know what prompted such a bill?

Rep. Ada: Us.

Rep. Deleon Guerrero: I'm not retired so I don't know the difference.

Speaker Hofschneider: There's a double dipping clause in the Constitution that only nursing, doctors and teachers may return to full employment status with their pension unaffected meaning they can receive both the retirement pension and the salary returning after retirement to active service in the government. The rest of the class of retirees are prohibited from accessing a double dipping clause or status. There's also a restriction of retirees. They can return to serve in any capacity up to a total of sixty days in a year without affecting their pension. So currently a retiree wishing to be reemployed by the government can only be reemployed for a maximum of sixty days. This bill is allowing a retired individual to come back to active duty and making a decision which compensation is more advantageous to them obviously. So if the retirement pension is higher, then they opt to take the retirement pension and forgo the reemployment salary. If a retired individual is hired back in the government i.e. independent contract that would exceed sixty days either through the appointment process or forgoing the retirement pension and taking on the higher salary of being reactivated into government. So this is essentially giving the option for judges or anyone in the judiciary to come back to service by picking which is higher and more beneficial to them whether the pension they have or they're receiving is higher they get to keep the pension and serve in public capacity or if the salary offered inducing them to come back to active service is higher than the pension itself then they forgo the pension and take the higher salary.

Rep. Deleon Guerrero: How do you define members of the judiciary?

Speaker Hofschneider: Anyone who works in the judiciary but this one is specifically referring to judges. Representative Stanley Torres.

Rep. S. Torres: Mr. Speaker, I thought that once a judge retires, he can come back to work but on a part-time basis. How can he elect to forgo it – you're only getting paid \$60 an hour.

Speaker Hofschneider: The Constitution limits them to a maximum of sixty days total. They can't exceed sixty days.

Rep. H. Palacios: A year?

Speaker Hofschneider: A year.

Rep. Cabrera: Sixty—eight hour days?

Speaker Hofschneider: Correct. Sixty working days.

Rep. S. Torres: Is there any logic for them to come back and work after retiring?

Speaker Hofschneider: I think the judiciary has been taking advantage of sitting judges, pro-tempore and no one has ever raised that to them if in fact they've been sitting on the bench longer than sixty days total. But it is in fact being raised now particularly after several retired individuals being procured either through CPA or even here at the Legislature or across the street in the Executive Branch in variety of roles and in capacities exceeding sixty days. So to get around that this bill is proposing to give them the opportunity to choose one or the other and circumventing the restriction or the prohibition on double dipping in the Constitution. Refer it to the Committee? Can we hear a motion?

Floor Leader Attao: Subsidiary motion to refer S. B. NO. 13-003 to the Committee.

The motion was seconded.

Speaker Hofschneider: *Ta puno'?*

Rep. Babauta: *Munga.*

Floor Leader Attao: *Hinasoku na para u ma refer guatu gi committee. Para ta bota?*

Rep. Babauta: *Hu'u.*

Rep. H. Palacios: *Esta ma second.*

Floor Leader Attao: *Hinasoku ilek-mu para u ma refer guatu gi committee.*

Speaker Hofschneider: Refer to committee.

Floor Leader Attao: *Ahe. Para guahu maolek ha. Bai hu supotta este lao...*

Speaker Hofschneider: Short recess.

The House recessed at 10:45 p.m.

RECESS

The House reconvened at 10:46 p.m.

Speaker Hofschneider: We're back to our session. This is politics. Nothing else. A person opting to retire once eligible has decided to terminate his active role in public service. That's the bottom line. To give him a back door is not a genuine service. It's a disservice to the public if you're asking to be paid. Once you retire you sever your active role in the government because you want to move on. There's a subsidiary motion on the floor to refer S. B. NO. 13-003 to the Committee. It has been seconded. Discussion on the motion.

Several members voiced, "ready."

There was no further discussion, and the motion to refer S. B. NO. 13-003 to the Committee on Judiciary & Governmental Operations was carried by voice vote.

Speaker Hofschneider: S. B. NO. 13-003 is hereby referred to the Committee on Judiciary & Governmental Operations. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-54 reference SEN. COMM. 13-235 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-54: A BILL FOR AN ACT TO AMEND 1 CMC § 7723 OF THE GOVERNMENT SAFETY DEPOSIT ACT TO REQUIRE THAT ALL GOVERNMENT MONIES, FUNDS, AND REVENUES BE DEPOSITED WITH FINANCIAL INSTITUTIONS WHOSE DEPOSITS ARE INSURED BY THE FEDERAL INSURANCE DEPOSIT CORPORATION (FDIC) OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION (FSLIC).

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-54 reference SEN. COMM. 13-235 has been seconded. Discussion on the bill.

Several members voiced, "ready."

The Chair recognized Representative Babauta.

Rep. Babauta: Mr. Speaker, I have a similar comprehensive legislation that have to do with the depository of Commonwealth funds. Did we pass this?

Rep. Ada: I think we passed that in the Twelfth legislature.

Rep. Babauta: No, the Thirteenth Legislature.

Speaker Hofschneider: No, in the Twelfth Legislature we passed a legislation making it lower for the deposit requirement. So instead of every dollar a depositor deposits in a particular non-FDIC bank for every dollar you deposit it used to be that the bank has to secure that with 1.25 ratio. So for every dollar the bank has to deposit \$1.25 as a security because they're not FDIC. In the Twelfth Legislature, that was passed to reduce the threshold of security to 1.21.

Rep. S. Torres: And as a result, may I?

Speaker Hofschneider: Yes.

Rep. S. Torres: As a result, the Bank of Saipan almost went down underground.

Several members voiced, "ready."

Speaker Hofschneider: Just a point of information. The value of FDIC banks is on the false assumption that if you have a million dollars in an FDIC bank and that bank collapses, a hundred thousand dollars is about the most that you can get. The value behind an FDIC is the auditing enforcement on banking regulations ensuring that the banking management and activities are adhering to Federal banking Regulations. That's the value. It's not the recovery of your total deposit because it's capped at \$100,000.00. So even if you have \$1 million, \$10 million, you're as lucky as a person who deposited \$100,000.00 because that's all you can recover but the safety is that you can sleep well that the Federal Banking Institution is monitoring the activities. That's the value.

Several members voiced, "ready."

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-54 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	abstained
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	yes
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

Vice Speaker Tenorio: Point of clarification.

Speaker Hofschneider: State your point.

Vice Speaker Tenorio: Mr. Speaker, if this bill is signed into law, does that mean that all the monies deposited in other banks that are not FDIC or FSLIC could be withdrawn and re-deposited in these other banks?

Speaker Hofschneider: Yes.

Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes

Rep. W. Torres: Mr. Speaker, just a point of clarification.

Speaker Hofschneider: State your point.

Rep. W. Torres: I believe the House has passed a similar bill and I wonder because...(inaudible.)

Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 15 “yes”, S. B. NO. 13-54 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. 13-137 reference SEN. COMM. 13-241 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-137: A BILL FOR AN ACT TO AMEND 3 CMC §2225 AND 3 CMC §2227 TO ALLOW PHYSICIANS LICENSED IN JAPAN TO PRACTICE IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-137 reference SEN. COMM. 13-241 has been seconded. Discussion on the bill. Short recess.

The House recessed at 10:50 p.m.

RECESS

The House reconvened at 10:55 p.m.

Speaker Hofschneider: We're back to our session and we're discussing S. B. NO. 13-137 reference SEN. COMM. 13-241. Can we have a subsidiary motion to refer it to the Committee?

Floor Leader Attao: Subsidiary motion to refer S. B. NO. 13-137 to the Committee on Health & Welfare.

Rep. Cabrera seconded the motion and carried by voice vote.

Speaker Hofschneider: S. B. NO. 13-137 is hereby referred to the Standing Committee on Health & Welfare. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-146 reference SEN. COMM. 13-281 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-146: A BILL FOR AN ACT TO RESERVE THE AREAS OF PUBLIC LANDS ON THE ISLAND OF TINIAN THAT ARE SUITABLE FOR VILLAGE AND/OR AGRICULTURAL HOMESTEADS, SPECIFICALLY THE KASTIYU AND CAROLINAS AREAS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-146 reference SEN. COMM. 13-281 has been seconded. Discussion on the bill.

Several members voiced, "ready."

Speaker Hofschneider: This is consistent with the Joint Session approving the MDC Lease and returning a substantial portion of the lease back to public land. Ready?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-146 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	yes
Rep. Norman S. Palacios	absent
Rep. Daniel O. Quitugua	abstained
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 “yes”, 1 “abstention”, 1 “absent”, S. B. NO. 13-146 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. 13-148 reference SEN. COMM. 13-283 on First and Final Reading.

Speaker Hofschneider: SEN. COMM. 13-283?

Floor Leader Attao: SEN. COMM. 13-283.

Speaker Hofschneider: It’s not included.

Floor Leader Attao: Subsidiary motion to include S. B. NO. 13-148 reference SEN. COMM. 13-283, Mr. Speaker.

Rep. Tebuteb seconded the motion.

Speaker Hofschneider: The subsidiary motion to include in the day’s calendar S. B. NO. 13-148 reference SEN. COMM. 13-283 – short recess.

The House recessed at 11:06 p.m.

RECESS

The House reconvened at 11:20 p.m.

Speaker Hofschneider: We’re back to our session. The subsidiary motion to include in the day’s calendar S. B. NO. 13-148 reference SEN. COMM. 13-283 has been seconded. Discussion on the subsidiary motion. Ready?

There was no discussion, and the motion to include S. B. NO. 13-148 reference SEN. COMM. 13-283 on the day’s 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 S. B. NO. 13 148 on First and Final Reading.

Rep. Tebuteb seconded the motion.

S. B. NO. 13-148: A BILL FOR AN ACT TO AMEND THE SELECTIVE SERVICE COMPLIANCE ACT OF 1999 TO PROVIDE THAT A PERSON WHO HAS RECEIVED A DISHONORABLE DISCHARGE FROM THE UNITED STATES ARMED FORCES SHALL NOT BE ELIGIBLE TO BE EMPLOYED BY THE COMMONWEALTH GOVERNMENT; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-148 has been seconded. Discussion on the bill. Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, do I understand that individuals who have not registered with the Selective Service are prohibited from being employed in the Commonwealth government?

Speaker Hofschneider: Essentially.

Vice Speaker Tenorio: Individuals who have not registered with the Selective Service are prohibited from working for the government.

Speaker Hofschneider: The new amendment that adds subsection 8292 on page 2. Dishonorable discharge from the United States Armed Forces. No individual who received a dishonorable discharge from the United States Armed Forces is eligible for employment with any branch, agency, or government political subdivision.

Vice Speaker Tenorio: Mr. Speaker, is there any limitation on the time? What about those people that never registered?

Speaker Hofschneider: This is about seeking employment in government when you're discharged dishonorably.

Vice Speaker Tenorio: No, but in the Findings.

Speaker Hofschneider: Forget the Findings. The effective clause is on page 2.

Vice Speaker Tenorio: So the Findings is not accurate. On line 10 it says individuals who have not registered with the Federal Selective Service System are prohibited from being employed by the Commonwealth government. I have not registered.

Rep. Ada: You are already retired.

Vice Speaker Tenorio: You can't work for the government.

Speaker Hofschneider: 7 CMC § 8291 is an existing statute and it may in fact be referencing or citing that particular sentence, which prohibits currently and they're adding on to the prohibition dishonorable discharge.

The Chair recognized Representative Deleon Guerrero.

Rep. Deleon Guerrero: Mr. Speaker, again, I'm puzzled by the intent of this and if this is pass, does the federal government or stateside government have the same prohibition?

Speaker Hofschneider: I cannot answer you that.

Rep. Cabrera: Yes.

Rep. Deleon Guerrero: Is that why we're trying to pattern ourselves with that?

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

Speaker Hofschneider: State your point.

Rep. Babauta: Thank you. Does anyone in this chamber know whether or not any public employee is employed by the government be it local government, municipality of Saipan, Tinian and Rota that is dishonorably discharged?

Rep. S. Torres: There are a few.

Rep. Babauta: Do we know of any, Mr. Speaker?

Speaker Hofschneider: I think we can look further down the horizon and look at the author of the bill. Perhaps it's pertaining to the Second Senatorial District. I do not know what motivates this.

Rep. Babauta: That's my concern. The motivation of incorporating something like this and I'm afraid that if such is the case when a person has a contract with any public entity could be considered a detrimental reliance on the part of the contracting officer. I would recommend that we refer this to our distinguished Chairman on JGO.

Speaker Hofschneider: May I hear a motion?

Rep. Babauta: So moved, Mr. Speaker.

The motion to refer S. B. NO. 13-148 reference SEN. COMM. 13-283 to the Committee on Judiciary & Governmental Operations was seconded and carried by voice vote.

Speaker Hofschneider: S. B. NO. 13-148 is hereby referred to the Committee on Judiciary & Governmental Operations.

Rep. Babauta: Mr. Speaker, may I ask the Chair to include the numbers Commonwealth-wide whether or not we have – not the names but just the numbers. How many are affected if this bill becomes a law.

Speaker Hofschneider: I trust my House Standing Committee on Judiciary & Governmental Operations does a thorough investigation.

Rep. Ada: I'm the Chairman. I'll let him take care of that because he's a member of my committee.

Speaker Hofschneider: Thank you, Mr. Chairman. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-318 on First and Final Reading.

Rep. Babauta seconded the motion.

H. B. NO. 13-318: A BILL FOR AN ACT TO ESTABLISH A BAIL AND BOND FORFEITURE ACCOUNT WITHIN THE DEPARTMENT OF FINANCE.

Speaker Hofschneider: The motion to pass on First and Final Reading H. B. NO. 13-318 has been seconded. Discussion on the bill. Ready?

Several members voiced, “ready.”

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-318 on First and Final Reading is as follows:

Rep. Ada: *Hunggan*, but I just thought this should go to the Special Revision Committee.

Speaker Hofschneider: Could you speak up, Representative Ada?

Rep. Ada: *Finance este no? Salape este?* I yield my comments. I think I’m too sleepy, Mr. Speaker. But this is establishing a bail and bond forfeiture account.

Speaker Hofschneider: Correct.

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	yes
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 17 “yes”, 1 “absent”, H. B. NO. 13-318 is hereby passed on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-184 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-184: A BILL FOR AN ACT TO SEPARATE THE DIVISION OF CORRECTIONS FROM THE DEPARTMENT OF PUBLIC SAFETY, AND TO ELEVATE IT TO DEPARTMENT WITHIN THE EXECUTIVE BRANCH.

Speaker Hofschneider: The motion to pass on First and Final Reading H. B. NO. 13-184 has been seconded. Chairman on JGO have you...

Rep. Ada: Mr. Speaker, your Standing Committee on JGO has polished the bill and all your requests have been met.

Speaker Hofschneider: Where's your committee report on this?

Rep. Ada: No, we're introducing this.

Speaker Hofschneider: I know that you held a public hearing and it's a good public hearing. Did you take into consideration those recommendations?

Rep. Ada: Yes. The good author and the committee are almost ready with the committee report.

Speaker Hofschneider: Let me remind the Chairman that in the public hearing we mentioned that the new adult prison facility would have a separated accommodation for immigration detainees. The management, the administration of such detainees are under one supervision under the Department of Corrections. On page 5 you have a distinction, again, within the Department of Corrections for the Division of Immigration Detention. This is contrary to the suggested administration of the new prison facility by the U. S. Department of Justice. The way it works is that when the Division of Immigration apprehends a violator of the Commonwealth Immigration laws the Immigration Officers will bring that detainee to the Corrections facility, process them and transfer custody to the Division of Corrections. They remove themselves from the day-to-day management of an immigration detainee. But let me remind the good Chairman to refer to the programming done by the prison consultant. We have that established. Greg is fully aware of this.

Rep. Quitugua: Mr. Speaker, is that part of the consent decree agreement?

Speaker Hofschneider: Yes. Because the facility is inadequate for housing detainees that we are under consent decree with the Department of Labor & Immigration individuals. So the Division of Immigration people will do their part, bring that violator to the facility, process them and then they hand over custody to the Corrections facility. The Division of Immigration will have nothing to do with the day-to-day management of the facility and the welfare of those individuals.

Rep. Ada: But the basic thing is to separate them.

Speaker Hofschneider: If you look at the plan there is an immigration section congrated in the site. So we'll defer action?

Rep. Ada: Defer action.

Speaker Hofschneider: May we hear a motion to defer action on H. B. NO. 13-184?

Rep. Babauta: So moved.

Rep. Ada: Mr. Speaker, I move to defer action on H. B. NO. 13-184.

Rep. Babauta seconded the motion to defer action on H. B. NO. 13-184 and was carried by voice vote.

Speaker Hofschneider: Motion carried. Mr. Chairman, this is an important bill.

Rep. Ada: I know.

Speaker Hofschneider: May we please take action on this and finish it up?

Rep. Ada: Mr. Speaker, to be honest with you, I already called for a meeting about three times and no quorum has been set. I really urge the members to be serious about the JGO Committee. It seems like we can never come up together with the same schedule. Honestly, I am tired right now but I'm getting frustrated with the Committee if members don't come into the meeting and at least establish a five-member out of the eight. That'll do. But we have the record requesting for meetings, Mr. Speaker. Four cannot muster a quorum. Five will do out of eight. Thank you. I want that on the record. Thank you.

Speaker Hofschneider: May I remind the members, if you're a member of the committee and a meeting is called, please make every effort to attend because that's a public effort and it doesn't look good on the Standing Committees to be calling meetings and members are not coming to the meetings. Floor Leader.

Floor Leader Attao: I would like to make a subsidiary motion on my main motion for placing bills on the calendar to include H. B. NO. 13-112, HS1 reference S. C. R. NO. 13-095, H. B. NO. 13-168, HS1 reference to S. C. R. NO. 13-096 for action.

Rep. Babauta seconded the motion to include H. B. NO. 13-112, HS1 reference S. C. R. NO. 13-095, H. B. NO. 13-168, HS1 reference to S. C. R. NO. 13-096 and 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. 13-112, HS1 reference S. C. R. NO. 13-095 on First and Final Reading.

Rep. Babauta seconded the motion.

H. B. NO. 13-112, HS1: A BILL FOR AN ACT TO RESTRICT THE PLANTING OF TREES AND OTHER SUCH VEGETATION BELOW AND AROUND POWER LINES AND FACILITIES; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading H. B. NO. 13-112, HS1 reference to restrict the planting and other such vegetation below and around power lines and facilities; and for other purposes has been seconded. Ready?

Several members voiced, “ready.”

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-112, HS1 reference S. C. R. NO. 13-095 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	yes
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 17 “yes”, 1 “absent”, H. B. NO. 13-112, 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 H. B. NO. 13-168, HS1 reference S. C. R. NO. 13-096 on First and Final Reading.

Rep. Babauta seconded the motion.

H. B. NO. 13-168: A BILL FOR AN ACT TO ESTABLISH THE COMMONWEALTH RESPITE SERVICES PROGRAM; TO DESIGNATE THE CNMI COUNCIL ON DEVELOPMENTAL DISABILITIES AS THE PROGRAM ADMINISTERING AUTHORITY; AND TO PROVIDE FOR COMMUNITY RESPITE SERVICES PROGRAM; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading H. B. NO. 13-168 to establish the Commonwealth Respite Services Program; to designate the CNMI Council on developmental Disabilities as the program administering authority; and to provide for community respite services program; and for other purposes 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. 13-168, 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	yes
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 17 “yes”, 1 “absent”, H. B. NO. 13-168, 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. 13-75 reference SEN. COMM. 13-238 on First and Final Reading.

Rep. Babauta seconded the motion.

Speaker Hofschneider: SEN. COMM. 13-238?

Floor Leader Attao: SEN. COMM. 13-238.

Speaker Hofschneider: It’s not included. Subsidiary motion.

Floor Leader Attao: Subsidiary motion to include S. B. NO. 13-075 reference SEN. COMM. 13-283.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-075 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-075: A BILL FOR AN ACT TO PROVIDE REQUIREMENTS AND CONDITIONS FOR TAX CREDIT FOR CONTRIBUTION TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SCHOLARSHIP OFFICE; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-075 has been seconded. Discussion on the bill. Ready?

Several members voiced, “ready.”

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-075 on First and Final Reading is as follows:

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

Rep A. Palacios: Mr. Speaker, I’d like to make a clarification.

Speaker Hofschneider: State your clarification.

Rep A. Palacios: This is a tax credit issue and it’s originated in the Senate. Is there a person perhaps the legal counsel...

Speaker Hofschneider: Can you speak into the mic? I can’t hear you.

Rep A. Palacios: This bill basically looks at tax credit for constibution or donations to the scholarship. Since this is a tax issue basically a tax & revenue issue would it be proper that it originated from the Senate?

Speaker Hofschneider: Short recess. Good question.

The House recessed at 11:27 p.m.

RECESS

The House reconvened at 11:30 p.m.

Speaker Hofschneider: [beginning of recording]...of the House.

Floor Leader Attao: Move to file or motion to refer to the Committee on Ways and Means?

Speaker Hofschneider: Move to file. We can’t entertain anything that is...

Floor Leader Attao: No, so the Chair can...

Speaker Hofschneider: Move to file.

Floor Leader Attao: Alright, thank you, Mr. Speaker. Subsidiary motion to file S. B. NO. 13-075.

The motion to file S. B. NO. 13-075 was seconded and carried by voice vote.

Speaker Hofschneider: Thank you. S. B. NO. 13-075 is hereby filed by the House. Representative Palacios.

Rep A. Palacios: Just so that some of the members know that your vote to support this bill is not in vain. I have a very similar bill that is pending somewhere in this house in fact it's almost verbatim.

Speaker Hofschneider: You want to add to the charge of pleasurism?

Rep A. Palacios: No, maybe in our next session we can take a look at it.

Speaker Hofschneider: Okay. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-136 reference SEN. COMM. 13-240 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-136: A BILL FOR AN ACT TO AMEND 3 CMC § 4301 TO LOWER THE AMOUNT OF REQUIRED INVESTMENT FOR THE FOREIGN RETIREE INVESTMENT CERTIFICATE; TO AMEND 3 CMC § 4331 TO EXTEND THE DURATION OF ENTRY PERMITS FOR NON-RESIDENT SENIOR CITIZENS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-136 reference SEN. COMM. 13-240 has been seconded.

Rep. Ada: Move to file.

Speaker Hofschneider: This is an investment certificate.

Rep. Babauta: It's an amendment to the prior law, Mr. Speaker.

Speaker Hofschneider: It's coming from the Senate.

Rep. Babauta: Yes. Its amending former Senator Juan Tenorio's bill or rather a law that...

Speaker Hofschneider: The question is is it appropriate for the Senate to be touching revenue legislation.

Rep. Babauta: Questionable, Mr. Speaker.

Floor Leader Attao: The answer to that is, no. Can you ask the legal counsel about this, Mr. Speaker?

Rep. H. Palacios: All appropriation measures should originate from the House, Mr. Speaker.

Speaker Hofschneider: It has to do with onvestment.

Rep. Ada: *Esta guaha taiguenao.*

Speaker Hofschneider: May we just suspend the motion on this until we clarify?

Rep. Babauta: I think so.

Floor Leader Attao: Just put it on the calendar?

Speaker Hofschneider: Yes. Subsidiary motion, Floor Leader.

Floor Leader Attao: Subsidiary motion to defer action on S. B. NO. 13-136 and leave it on the calendar for further review.

The motion was seconded carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-058 reference SEN. COMM. 13-237 on First and Final Reading.

Rep. Babauta seconded the motion.

S. B. NO. 13-058: A BILL FOR AN ACT TO AMEND PUBLIC LAW 9-2 TO REQUIRE THAT THE LEGISLATURE GIVE NOTICE TO ALL MEETINGS AND THE AGENDA TO BE DISCUSSED AT SUCH MEETINGS IN COMPLIANCE WITH THE OPEN GOVERNMENT ACT'S NOTICE REQUIREMENTS SET FORTH AT 1 CMC § 9910.

Speaker Hofschneider: The motion to pass on First and Final Reading S. B. NO. 13-058 reference SEN. COMM. 13-237 has been seconded. Short recess.

The House recessed at 11:58 p.m.

RECESS

The House reconvened at 11:59 p.m.

Speaker Hofschneider: We're back to our session. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move to defer action on S. B. NO. 13-058 and refer it to the Committee on Judiciary & Governmental Operations.

Rep. Babauta seconded the motion to refer S. B. NO. 13-058 to the Committee on Judiciary & Governmental Operations and was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader, move to stop the clock at 11:59 p.m.

Floor Leader Attao: Why don't we stop now, Mr. Speaker, so we can have – oh, two more? Thank you.

Speaker Hofschneider: Move to stop the clock.

Floor Leader Attao: Now? Okay. Thank you, Mr. Speaker. Mr. Speaker, I move to recess...

Speaker Hofschneider: No. Move to stop the clock.

Floor Leader Attao: Move to stop the clock? So moved.

The motion to stop the clock at 11:59 p.m. was seconded 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. 13-297 on First and Final Reading.

Rep. Babauta seconded the motion.

H. B. NO. 13-297: A BILL FOR AN ACT TO AMEND 4 CMC 5611; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading H. B. NO. 13-297 has been seconded. This Act may be cited as the Business License Application Improvement Act of 2003. Discussion on the bill. Representative Salas.

Rep. Salas: Congressman Torres and I discussed this bill four months ago and I believe that the bill is okay. The only thing is the bill is prorated. License fees are now being paid on an annual basis and this is changing it to two years. Congressman Torres and I agreed that it be prorated to two years.

Speaker Hofschneider: You want to fix it?

Rep. W. Torres: It's already fix.

Speaker Hofschneider: May we clean up the bill please? This is – can we keep it on the calendar and fix this section?

The Chair recognized Representative William Torres.

Rep. W. Torres: I'd like to offer an oral floor amendment unless you want to...

Speaker Hofschneider: Defer action.

Rep. W. Torres: Okay.

Speaker Hofschneider: Floor Leader, move to defer action.

Floor Leader Attao: Thank you, Mr. Speaker. I move to defer action on H. B. NO. 13-297.

Rep. Tebuteb seconded the motion and 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. 13-270 on First and Final Reading.

Rep. Babauta seconded the motion.

H. B. NO. 13-270: A BILL FOR AN ACT TO PROVIDE PERMITTING AND REGULATORY AUTHORITY OVER BEACHSIDE ACITIVITIES; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion to pass on First and Final Reading H. B. NO. 13-270 has been seconded. Discussion on the bill. Representative Palacios.

Rep A. Palacios: I suppose to have cleaned up some portion of this bill with MPLA, CRM and Boating Safety. I'm sorry to say that we were not able to come up with a consensus of this certain issue and I'd like to be given more opportunity to try to clean up some of the portion of this.

Speaker Hofschneider: Move to defer action.

Rep A. Palacios: Thank you.

Rep. Tebuteb: So moved.

Rep. S. Torres seconded the motion to defer action on H. B. NO. 13 270 and was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Mr. Speaker, if there's no objection from the members, I'd like to recall our action – short recess, Mr. Speaker.

Speaker Hofschneider: Short recess.

The House recessed at 12:05 a.m.

RECESS

The House reconvened at 12:07 a.m.

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

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move for reconsideration on H. B. NO. 13-232. This particular bill was passed by the House on December 13, 2002 and was passed by the Senate on July 22, 2003. The bill has not been transmitted to the Governor. It is still with the clerk.

The motion was seconded.

H. B. NO. 13-232: A BILL FOR AN ACT TO PROTECT CONFIDENTIAL INFORMATION AND COMMUNICATIONS MADE TO A 'CRIME STOPPERS' ORGANIZATION; AND FOR OTHER PURPOSES.

Speaker Hofschneider: We can move to recall from the Senate and allow the Senate to recall their action and allow us to receive the bill.

Floor Leader Attao: You mean to recall from the Senate?

Speaker Hofschneider: Yes.

Floor Leader Attao: The Senate has passed the bill. We need to amend the bill and return it back to the Senate.

Speaker Hofschneider: Is it in the property of the House?

Floor Leader Attao: Right now, yes.

Speaker Hofschneider: Alright.

Floor Leader Attao: So for reconsideration on the bill.

Speaker Hofschneider: The amendment is not ready. Correct?

Floor Leader Attao: The amendment is ready.

Speaker Hofschneider: Short recess.

The House recessed at 12:09 a.m.

RECESS

The House reconvened at 12:15 a.m.

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

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move for reconsideration on H. B. NO. 13-232.

Rep. Babauta seconded the motion and was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Under discussion, Mr. Speaker.

The Chair recognized Representative Torres.

Rep. S. Torres: Mr. Speaker, I have a written floor amendment to offer on Section 6 Penalty Disclosure of the bill. Everybody has a copy?

The written floor amendment offered by Representative Stanley Torres to H. B. NO. 13-232 is as follows:

Section 6 of H. B. NO. 13-232 is amended as follows:

Section 6. Penalty for Disclosure. Disclosure of a privileged communication or protected privileged information in violation of this section shall be ~~a felony~~ punished by imprisonment for not less than one year but not more than two years or by a fine not more than \$500, or both. The Attorney General shall, to the extent possible, quash any subpoenas or other discovery efforts to obtain any protected information as defined in ~~subsection 23~~ subsection 23 above and shall to the extent authorized by law take whatever action is necessary to assure anonymity of the Crime Stoppers informant and to protect said protected information.

Rep. Babauta seconded the motion and was carried by voice vote.

Speaker Hofschneider: Motion carried. Ready?

Several members voiced, "ready."

Speaker Hofschneider: We're voting on H. B. NO. 13-232 as amended. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-232, 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	abstained
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	yes
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 “yes”, 1 “abstention”, 1 “absent”, H. B. NO. 13-232 as amended is hereby passed on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, if there’s no objection, can we go to Item 13?

There being no objection; the House went to Item 13, Reports of Special and Conference Committees.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader moved for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the adoption of Special S. C. R. NO. 13-004 and Special S. C. R. NO. 13-005, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao moved for the adoption of Special S. C. R. NO. 13-004 and Special S. C. R. NO. 13-005 and was seconded by Rep. Babauta.

Special Committee Report No. 13-4: Reporting on the matter of Rep. Francisco Aldan’s alleged violation of the Code of Official Conduct. *Your Special Standing Committee on Official Conduct and Ethics recommends that the House take disciplinary action.*

Special Committee Report No. 13-5: Reporting on the matter of Rep. Daniel Quitugua’s alleged violation of the Code of Official Conduct. *Your Special Standing Committee on Official Conduct and Ethics Ethics recommends that the House take disciplinary action.*

Speaker Hofschneider: The motion for the adoption of Special S. C. R. NO. 13-004 and Special S. C. R. NO. 13-005 has been seconded. Discussion on the motion. Ready?

Vice Speaker Tenorio: Mr. Speaker, can we have copies of the committee reports?

Speaker Hofschneider: Ready? Discussion on Special S. C. R. NO. 13-004 and Special S. C. R. NO. 13-005. Representative Aldan.

Rep. Aldan: I was given a copy of this report about three weeks ago and my only objection to this report is on page 3 on the first paragraph where it says in examining the rules of conduct set forth in paragraphs (a) and (b) of Section 1 all the way on bottom that violation coupled with the impropriety of using an official House-sponsored trip to further personal business did not reflect creditably. Mr. Speaker, before I left, I requested and I asked you if I could bring these crabs back with me and you gave me your okay on that. You permitted me to do so. So this shouldn’t be reflected on this report.

Speaker Hofschneider: Is it for business or non-business?

Rep. Aldan: It's for the zoo. But I did discuss this issue with you and I requested if I could bring the crab back with me and you permitted me to do so.

Speaker Hofschneider: If I did then it has no reflection on whether it's for business.

Rep. Aldan: As I recall, Mr. Speaker, I told you that I had a special permit to hunt crabs.

Speaker Hofschneider: Yes.

Rep. Aldan: For the purpose of displaying them at the zoo and you permitted me to bring back the crab on the trip.

Speaker Hofschneider: If I did then it shall reflect. If I did it shall reflect.

Rep. Aldan: But it doesn't reflect on the report.

Speaker Hofschneider: Do you want to strikeout the reference?

Rep. Aldan: Yes.

Speaker Hofschneider: Is that the pleasure of the members?

There was no objection.

Rep A. Palacios: Which, the whole bottom to be strikeout?

Rep. Aldan: The bottom section of the first paragraph.

Speaker Hofschneider: With all due respect, I do not recall the request specifically mentioned for business. I do recall that you have a permit.

Rep. Aldan: Mr. Speaker, the permit was given to me for the purpose of displaying the crab at the zoo.

Speaker Hofschneider: I never saw the permit.

Rep. Aldan: Otherwise, I wouldn't be given a permit for personal.

Speaker Hofschneider: Could be. What is the opinion of the House?

Vice Speaker Tenorio: Mr. Speaker, I have no objection of striking this out.

The motion was seconded.

Speaker Hofschneider: What is the contention of the House?

There was no objection.

Floor Leader Attao: Which paragraph are we striking out?

Rep. Aldan: Page 3. Not the whole paragraph, just the bottom.

Speaker Hofschneider: Beginning with the paragraph in examining. Go down to the last sentence of that paragraph. That violation coupled with the impropriety of using an official House-sponsored trip. Any motion?

Rep. Castro: So moved, Mr. Speaker.

Rep. Deleon Guerrero seconded the motion.

Speaker Hofschneider: The motion to strikeout that portion of the paragraph pertaining to that violation coupled and ending with the Rules of the House has been seconded. Discussion on the motion.

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

Speaker Hofschneider: Motion carried. We're voting for the adoption of Special S. C. R. NO. 13-004 and Special S. C. R. NO. 13-005. Representative Quitugua.

Rep. Quitugua: Just a short comment, Mr. Speaker. I read the report by the committee and I thought they would take the time to, not only almost prevailingly look at the record of the Administrative Hearing, but also make the effort to give me the opportunity to present to them the facts as they have quoted in the hearing. Apparently that did not happen. I was disappointed that it took the committee this long to come up with a finding that has already been adopted during the Administrative Hearing. It is true that I did not plan on contesting the hearing simply because of the fact that as an elected official you are scrutinized more so than an ordinary citizen. Not knowing what I know now, with the intent to turn that in to appropriate authorities, I would not have done that. I would not have done that. I thought I was doing a great service to the Division of Fish & Wildlife by turning the fruit bats once I discovered that it was not the items that I intended to bring to Saipan. I thought I was doing my civic duty to return it in. Apparently the language of the law does not excuse you and does not take into consideration good intention. It penalizes you for trying to do what you think is appropriate and proper. That's all, Mr. Speaker.

Speaker Hofschneider: Ready?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: For the record, I want to state that I do not recall permitting that on the assumption for purposes of business. I do not recall that. I do recall that you said you secured a permit. Ready?

There was no further discussion, and the motion to adopt Special S. C. R. NO. 13-004 and Special S. C. R. NO. 13-005 was carried by voice vote.

Speaker Hofschneider: House Special S. C. R. NO. 13-004 as amended and Special S. C. R. NO. 13-005 are hereby adopted by the House.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

None

The Chair recognized the Floor Leader.

Floor Leader Attao moved to recess until Wednesday, September 24, 2003 at 10:00 a.m., and was seconded by Rep. Ada.

Speaker Hofschneider: Floor Leader, can you rephrase your motion to recess subject to the call of the Chair.

Floor Leader Attao: Yes. Mr. Speaker, before I make that motion, if there's no objection from the members, I would like to make a withdrawal from the committee just to place on today's calendar.

Speaker Hofschneider: Continue.

Floor Leader Attao: Thank you, Mr. Speaker. I move to withdraw H. B. NO. 13-322, HS1 from the Committee on Judiciary & Governmental Operations and place it on the calendar.

H. B. NO. 13-322: A BILL FOR AN ACT TO BOOST THE ECONOMY OF THE CNMI BY ESTABLISHING A SPECIFIC NONIMMIGRANT ENTRY PERMIT CATEGORY IN THE IMMIGRATION CODE TO ATTRACT THE 'SILVER CLUB' MARKET IN JAPAN AND RETIREES FROM OTHER COUNTRIES; AND FOR OTHER PURPOSES.

Rep. S. Torres: Mr. Speaker, may I be recognized?

Speaker Hofschneider: May we dispense of the motion.

Rep. S. Torres: Correction.

Speaker Hofschneider: State your point.

Rep. S. Torres: The Floor Leader is a little bit heavy. This bill is not a substitute yet. It's H. B. NO. 13-322 to be withdrawn from the Committee on Ways & Means for calendaring purpose.

Floor Leader Attao: Ways & Means?

Rep. S. Torres: It's assigned to Ways & Means.

Speaker Hofschneider: Floor Leader, can you rephrase your motion?

Floor Leader Attao: Yes, Mr. Speaker. Forget about the first motion, Mr. Speaker. The motion is to withdraw H. B. NO. 13-322 from the Committee on Ways & Means and place it on the calendar for action on the next session. Thank you.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao moved to recess subject to the call of the Chair, was seconded by Rep. Babauta and carried by voice vote.

Speaker Hofschneider: Recess subject to the call of the Chair.

The House recessed at 12:35 a.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

None