



House Journal

FIRST REGULAR SESSION, 2006

Eighth Day

March 22, 2006

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Eighth Day, First Regular Session on Wednesday, March 22, 2006, at 1:42 p.m. in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Oscar M. Babauta, Speaker of the House, presided.

A moment of silent prayer was observed.

The Clerk called the roll and ten members were present. Representatives Martin B. Ada, Joseph P. Deleon Guerrero, Arnold I. Palacios, Benjamin B. Seman, Candido B. Taman, Manuel A. Tenorio, and Stanley T. Torres came in late.

ADOPTION OF JOURNALS

6th Day and 7th Day, First Regular Session Journals

Floor Leader Florencio Deleon Guerrero moved for the adoption of the Sixth and Seventh Day, First Regular Session 2006 Journals; the motion was seconded.

The Chair recognized Representative Yumul.

Rep. Yumul: Mr. Speaker, minor changes to the Journals as noted earlier. I believed the 7th Day Journal on March 3, 2006 has some irregularities or computer errors where I believe "Speaker Fitial" who is now the Governor...

Speaker Babauta: So noted. Again, we made it a standard policy to allow the members to work directly with the Clerk to correct any grammatical or typographical error. If there is no objection, we will again make that a standing policy. Any more discussion on the Journals?

There was no further discussion and the motion to adopt the Sixth and Seventh Day, First Regular Session 2006 Journals was carried by voice vote.

Speaker Babauta: The motion is carried. I understand that there is a House Resolution to be presented this afternoon; I hereby call for short recess.

The House recessed at 1:45 p.m.

RECESS

Representatives Martin B. Ada, Joseph P. Deleon Guerrero, Arnold I. Palacios, Benjamin B. Seman, Candido B. Taman, Manuel A. Tenorio, and Stanley T. Torres took their seats in the Chamber during recess.

The House reconvened at 1:50 p.m.

Speaker Babauta: We are back in session and, Clerk, please note that Representatives Manuel Tenorio, Joseph Deleon Guerrero, Benjamin Seman, Ramon Tebuteb, Stanley Torres, Arnold Palacios, Candido Taman, and Martin Ada are present.

INTRODUCTION OF BILLS

H. B. No. 15-99: A Bill for an Act to provide a nonrefundable tax credit for cash expenditures made by educators during the tax year for books or instructional materials to be used in the classroom; and for other purposes.

Offered by: Representative Oscar M. Babauta

Referred to: Committee on Ways and Means

H. B. No. 15-100: A Bill for an Act to raise the minimum wage; to repeal and re-enact 4 CMC § 9221; to amend 4 CMC § 9223(b); to impose financial responsibility and liability on the employee; and for other purposes.

Offered by: Representative Florencio T. Deleon Guerrero

Referred to: Committee on Ways and Means and Committee on Commerce and Tourism

H. B. No. 15-101: A Bill for an Act to amend the Revenue and Taxation Act of 1982 to provide a tax incentive for individuals and businesses to donate to public facilities in the Commonwealth.

Offered by: Representative Absalon V. Waki, Jr. and four others

Referred to: Committee on Ways and Means

H. B. No. 15-102: A Bill for an Act to repeal and reenact 4 CMC §§ 5554 and 5555; and for other purposes.

Offered by: Representative Florencio T. Deleon Guerrero

Referred to: Committee on Commerce and Tourism

H. B. No. 15-103: A Bill for an Act to provide protection of minority interest in a business corporation; to impose penalty; and for other purposes.

Offered by: Representative Florencio T. Deleon Guerrero

Referred to: Committee on Commerce and Tourism

H. B. No. 15-104: A Bill for an Act to amend 1 CMC § 2272 (Commissioner of Education: Qualifications); and for other purposes.

Offered by: Representative Justo S. Quitugua

Referred to: Committee on Health, Education, and Welfare

H. B. No. 15-105: A Bill for an Act to amend 1 CMC § 8248 (b); and for other purposes.

Offered by: Representative Edwin P. Aldan and ten others
Referred to: Committee on Health, Education, and Welfare

H. B. NO. 15-106: A Bill for an Act to amend 4 CMC § 5611(f)(g)(1); and for other purposes.

Offered by: Representative Edwin P. Aldan and ten others
Referred to: Referred to: Committee on Commerce and Tourism

H. B. NO. 15-107: A Bill for an Act to amend pertinent sections of the Nonresident Workers Act to shorten the time needed for adjudication of labor disputes; and for other purposes.

Offered by: Representative Jacinta M. Kaipat
Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-108: A Bill for an Act to amend 1 CMC § 7402(a) (2); and for other purposes.

Offered by: Representative Oscar M. Babauta
Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 15-109: A Bill for an Act to authorize the assessment of parking meter fees, to require segregation of fees collected by senatorial district, and to authorize local appropriation.

Offered by: Representative Ramon A. Tebuteb
Referred to: Committee on Ways and Means

HOUSE LOCAL BILLS:

H. L. B. NO. 15-24: A Local Bill for an Act to amend Section 3(c) of Saipan Local Law No. 13-16; and for other purposes.

Offered by: Rep. Florencio T. Deleon Guerrero
(First Appearance)

H. L. B. NO. 15-25: A Local Bill for an Act to name the street located in Capitol Hill, off of Savanna Road between Agrigan Lane and Guguan Drive, as “Norita Lane”.

Offered by: Rep. Justo S. Quitugua
(First Appearance)

H. L. B. No. 15-26: A Local Bill for an Act naming the Port of Saipan the Capt. George F. Fleming/Port of Saipan in recognition of his contributions in the development and modernization of Saipan’s seaport facility and the island’s economy.

Offered by: Rep. Oscar M. Babauta
(First Appearance)

Speaker Babauta: Any other member wishing to introduce a bill? If none, we go down to Introduction of Resolutions.

INTRODUCTION OF RESOLUTIONS

HOUSE COMMEMORATIVE RESOLUTIONS:

HSE. COMM. RES. NO. 15-2: A House Commemorative Resolution to express a sincere and heartfelt recognition, congratulation and commendation to Saipan Southern High School Mock Trial Competition Team, Teacher and Attorney Coaches for capturing the 2006 (8th annual) CNMI High School Mock Trial Competition championship title held at the Judicial Complex on Saturday, March 11, 2006.

Offered by: Representative Florencio T. Deleon Guerrero and seventeen others

Floor Leader Deleon Guerrero: Mr. Speaker, I would like the House Commemorative Resolution 15-2 to be placed on today's Resolution Calendar as well.

HOUSE RESOLUTIONS:

H. R. NO. 15-31: A House Resolution in support of the building of a curatorial, exhibit preparation and storage facility on the NMI Museum of History and Culture grounds.

Offered by: Representative Candido B. Taman and seventeen others

Rep. Taman: Mr. Speaker, if there is no objection from the members, I would like to submit H. R. NO. 15-31 and request that it be introduced by the Committee of the Whole and with the indulgence of the members I would like to also request that this Resolution be placed on today's Resolution Calendar for disposition.

There was no objection.

H. R. NO. 15-32: A House Resolution recognizing the existence of Public Law 13-29 to create a "Northern Mariana Islands Film Office" within the Marianas Visitors Authority and acknowledging the need to fill the ever continuing vacant Film Office Manager's position and recommending that Mr. Leonard "Butch" Wolf for the Film Office Manager Position.

Offered by: Representative Francisco S. Dela Cruz and seventeen others

H. R. NO. 15-33: A House Resolution expressing support for the passage of S. 1954 ("Insular Possessions Act of 2005") introduced by Senator Larry E. Craig and Senator Daniel K. Akaka in the Senate of the 109th United States Congress, to amend the General Notes of the Harmonized Tariff Schedule of the United States to give products imported from the United States insular possessions the same treatment as products imported from countries with which the United States has entered into a free trade agreement in order to make the apparel manufacturing in the Northern Marianas globally competitive.

Offered by: Representative Arnold I. Palacios and seventeen others

H. R. NO. 15-34: A House Resolution urging the Northern Marianas Housing Corporation to expedite home repairs at Tottotville to address the numerous issues raised by homeowners.

Offered by: Representative Jesus SN. Lizama and seventeen others

H. R. NO. 15-35: A House Resolution requesting that the CNMI Office of the Governor and the CNMI Office of the Attorney General review and take appropriate actions in the matter of leases between the Commonwealth Ports Authority and Mobil Oil Mariana Islands and Shell Marianas.

Offered by: Representative Arnold I. Palacios and seventeen others

H. R. NO. 15-36: A House Resolution to request the Department of Public Lands to designate a parcel of public land to the Marianas Auto-motor Sports Association for the construction of a drag racing facility.

Offered by: Representative Martin B. Ada and seventeen others

H. R. NO. 15-37: A House Resolution to strongly express full support to the Chamolinian Cultural Village, Inc.'s grant application to the U. S. Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans.

Offered by: Representative Ramon A. Tebuteb and seventeen others

H. R. NO. 15-40: A House Resolution recognizing and congratulating Marianas International Travel Agency (MITA Travel) for being honored by Western Union with two awards for achieving the “Highest Number of New Locations” at the most recently held annual Western Union Agent Summit in Phuket, Thailand; and for other purposes.

Offered by: Representative Oscar M. Babauta and seventeen others

HOUSE JOINT RESOLUTIONS:

H. J. R. NO. 15-2: Expressing support for the passage of S. 1954 (“Insular Possessions Act of 2005”) introduced by Senator Larry E. Craig and Senator Daniel K. Akaka in the Senate of the 109th United States Congress, to amend the General Notes of the Harmonized Tariff Schedule of the United States to give products imported from the United States insular possessions the same treatment as products imported from countries with which the United States has entered into a free trade agreement in order to make the apparel manufacturing in the Northern Marianas globally competitive.

Offered by: Representative Arnold I. Palacios and seventeen others

Speaker Babauta: If there is no objection, so ordered. And please note that all resolutions, if there is no objection, will be addressed on today’s order of business for adoption. Thank you.

Rep. Palacios: I would like to ask, Mr. Speaker, that H. R. NO. 15-33 be offered by the Committee of the Whole and that it be placed on the Resolution Calendar for disposition.

Speaker Babauta: Any objection to the request of introduction by the Committee of the Whole?

There was no objection.

Speaker Babauta: So ordered. I believe you have a Joint House Resolution similar to H. R. NO. 15-33. Does it have the same contents?

Rep. Palacios: Yes, Mr. Speaker, the same. I would also like H. J. R. NO. 15-2 placed on today's Order of Business.

There was no objection.

Rep. Torres: Mr. Speaker, I would also like to ask the members to place H. R. NO. 15-35 on today's Resolution Calendar for its adoption. Thank you.

There was no objection.

Rep. Lizama: Mr. Speaker, if there is no objection, I would like to place H. R. NO. 15-34 on today's Resolution Calendar and introduced by the Committee of the Whole.

Speaker Babauta: Any Objection?

Several members voice "no objection".

Speaker Babauta: So ordered. Once again, all resolutions introduced this afternoon will be calendared for disposition of the House. I would like to have the resolutions I introduced sponsored by the entire House, if there is no objection.

There was no objection.

Speaker Babauta: Any other member wishing to introduce a resolution? If none, I would like to call for a short recess while copies are being made at the same time allow members to go through some of the communications and the committees' reports.

The House recess at 2:10 p.m.

RECESS

The House Reconvened at 2:42 p.m.

Speaker Babauta: We are back in session and we move to Item 5, Message from the Governor.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 15-40 - [3/7/06] – Certification of vacant position for Internal Affairs Investigator at the Department of Labor.

GOV. COMM. 15-41 - [3/7/06] – Certification of vacant positions for (8) Resident Department Heads (Rota Health Center, Public Safety, Finance, Public Works, Lands and Natural Resources, Commerce, Labor, and Community and Cultural Affairs) for the First Senatorial District.

GOV. COMM. 15-42 – [3/7/06] – Certification of vacant position for Director of Immigration at the Office of the Attorney General.

GOV. COMM. 15-43 – [3/7/06] – Certification of vacant positions for Administrative Hearing Officer and Hearing Officer, Administrator at the Department of Labor.

GOV. COMM. 15-44 – [3/7/06] – Certification of vacant position for Election Register Clerk at the Commonwealth Election Commission.

GOV. COMM. 15-45 – [3/8/06] – Certification of vacant position for Tax Technician II at the Department of Finance.

GOV. COMM. 15-46 – [3/9/06] – Certification of vacant positions for Accountant, Cook III, Custodial Worker and Clerk II at the Rota Mayor’s Office.

GOV. COMM. 15-47 – [3/9/06] – Certification of vacant positions for Manager, Medical Referral Services, (2) Medical Referral Assistant, (2) Medical Referral Coordinator, Head Nurse, (6) Staff Nurses, Licensed Practical nurse and Staff Nurse I at the Department of Public Health.

GOV. COMM. 15-48 – [3/9/06] – Certification of vacant position for Law Clerk at the Superior Court.

GOV. COMM. 15-49 – [3/9/06] – Certification of vacant position for Clerk II at the Department of Public Safety.

GOV. COMM. 15-50 – [3/13/05] – Certification of vacant position for Custodian Worker at the Women’s Affairs Office.

GOV. COMM. 15-51 – [3/13/06] – Certification of vacant position for Administrative Assistant at the Emergency Management Office.

GOV. COMM. 15-52 – [3/13/06] – Certification of vacant position for Assistant Chief of Police at the Department of Public Safety.

GOV. COMM. 15-53 – [3/16/06] - Certification of vacant positions for Special Assistant, Administrative Services Manger, Technical Services Division Director, Administrative Services Division Director, Solid Waste Program Manager, Assistant Solid Waste Program Manager, and Building Safety Code Official at the Department of Public Works.

GOV. COMM. 15-54 – [3/16/06] – Certification of vacant positions for (2) Police Cadet, (2) Police Officer I, Firefighter II and (3) Fire Cadet at the Department of Public Safety.

Speaker Babauta: Any comment on the messages? I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker. On Governor’s Communication No. 15-48 there might be computer error, there seems to be two with first one regarding the Law Clerk certification and the other one from Linda Cabrera, Special Assistant for Programs and Legislative Review certifying that she received the H. R. No. 15-48.

Speaker Babauta: Is that under Item 5, Representative Yumul?

Rep. Yumul: Governor’s communication, yes, I believe so.

Speaker Babauta: I believe you should have a corrected copy at your office. The Clerk’s Office had corrected that prior to the final distribution of the Order of Business.

Rep. Yumul: Okay, Mr. Speaker, according to the Clerk we are to disregard the letter from Linda Cabrera. Thank you.

Speaker Babauta: Thank you. I recognize Representative Tenorio.

Rep. Tenorio: Mr. Speaker, I am just curious on all these certifications of vacant positions, because I just read one of the communications and GOV. COMM. 15-44 for instance, says that “the filling of this vacant position is of vital importance for the efficient delivery of essential public services” and that it is a vacant position that must be filled. So most of these vacant positions are to be filled and if they are to be filled, I am just curious as to how much is that in terms of salary and wages when at the same time they are cutting down salaries and removing people, and some people even have marching orders. I am just curious how much more is the Government is spending instead of saving.

Speaker Babauta: Yes, I understand. All these positions are as a result the latest approved Budget which is P.L. 13-24. The Administration and any other agency, primarily the principal executive departments cannot go beyond what is approved under the constitution. So the latest approved Budget that we have is from the 13th Legislature. Pursuant to P.L. 13-24 these are positions that were left vacant by departing employees and is not in addition to that. At any rate, anyone is welcome pursue interest of any nature with regards to the certifications.

Rep. Tenorio: I just want to know the standard language, Mr. Speaker?

Speaker Babauta: It is the standard language, Representative Tenorio.

Rep. Tenorio: If the position is vacant and must be filled during the period of a Continuing Resolution between now and end of the fiscal year, it appears to me that there is still money floating around to fill these vacancies especially in the areas of public services.

Speaker Babauta: The comment you mentioned earlier about marching order being executed by the Administration, those are not positions within the present Budget which is P.L. 13-24. Those are the so-called, LTAs (Limited Term Appointment), normally ninety days for various reasons on an as-needed basis whenever there are funds available. For instance, if two of these positions are not filled in your department that particular dollar can be utilized for so-called LTA employment which allows for a ninety-day time frame.

Rep. Tenorio: Is this a Civil Service position?

Speaker Babauta: Not according to the letter. Some of them are.

Rep. Tenorio: I am just curious, Mr. Speaker, thank you.

Speaker Babauta: So noted. Thank you for the concern. If there is no further discussion on the messages from the Governor, we go down to Item 6, Senate Communications.

SENATE COMMUNICATIONS

SEN. COMM. 15-18: (3/9/06) Return of H. B. NO. 15-37, HS1 (Martin Luther King, Jr. Holiday) which was passed by the Senate on March 9, 2006. [Before the Governor]

SEN. COMM. 15-19: (3/9/06) Return of H. J. R. NO. 15-1 (Joint Session of the Legislature to receive the State of the Commonwealth Address and the Washington Office Report) which was adopted by the Senate on March 9, 2006. (For info)

SEN. COMM. 15-20: (3/9/06) Transmittal of S. J. R. NO. 15-4 entitled, “A Senate Joint Resolution requesting the Commonwealth Ports Authority to provide free parking for all Commonwealth Government employees stationed at the Saipan International Airport and Saipan Seaport,” which was adopted by the Senate on March 9, 2006 [For action-Calendared]

SEN. COMM. 15-21: (3/10/06) Transmittal of a certified copy of S. R. NO. 15-9, entitled, “A Senate Resolution expressing the full support of the Senate for the Chamolinian Project and respectfully requesting the U.S. Department of Health and Human Services to approve the Chamolinian Project grant application”, which was adopted by the Senate on March 6, 2006. (For info)

SEN. COMM. 15-22: (3/20/06) Transmittal of S. J. R. NO. 15-5, entitled, “A Senate Joint Resolution to respectfully oppose the proposal to amend the applicable entry, immigration, adoption and other laws and regulations of the Commonwealth of the Northern Mariana Islands which would allow for the implementation of the proposed Safe Haven Program,” which was adopted by the Senate on March 17, 2006. [For action-Calendared]

SEN. COMM. 15-23: (3/20/06) Return of H. B. NO. 15-18, HD1 (Annual Poker License Fee to be paid in full) which was passed by the Senate without amendment on March 17, 2006. [Will go to Governor]

SEN. COMM. 15-24: (3/20/06) Return of H. B. NO. 15-26, HS1 “To amend 1 CMC § 6341; and for other purposes,” which was passed by the Senate without amendment on March 17, 2005. [Will go to Governor]

SEN. COMM. 15-25: (3/20/06) Return of H. B. NO. 15-27, HD1 (Apprenticeship Program) which was passed by the Senate without amendment on March 17, 2006. [Will go to Governor]

SEN. COMM. 15-26: (3/20/06) Return of H. B. NO. 15-28 “To amend Section 2 of Public Law 14-87; and for other purposes,” which was passed by the Senate without amendment on March 17, 2006. [Will go to Governor]

SEN. COMM. 15-27: (3/21/06) Transmittal of a certified copy of S. R. NO. 15-10, SD1, entitled, “To request the Honorable Mayor Juan B. Tudela to name ‘Beach Road’ Saipan to ‘Chalan Bishop Camacho’,” which was adopted by the Senate on March 17, 2006. (For info)

The Chair recognized the Floor Leader.

Floor Leader Deleon Guerrero: Mr. Speaker, I move to accept SEN. COMM. 15-18 thru SEN. COMM. 15-27, and for the placement of S. J. R. NO. 15-4 (SEN. COMM. 15-20) and S. J. R. NO. 15-5 (SEN. COMM. 15-22) on today's Resolution Calendar.

The motion was seconded.

Speaker Babauta: The motion on floor is to accept SEN. COMM. 15-18 thru SEN. COMM. 15-27 and to place S. J. R. NO. 15-4 (SEN. COMM. 15-20) and S. J. R. NO. 15-5 (SEN. COMM. 15-22) on today's Resolution Calendar.

The motion was seconded and carried by voice vote.

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

Speaker Babauta: Someone mentioned earlier about a forensic debate taking place tomorrow at the *Guma Hustisia* at 3:30 in the afternoon. I assume everybody is invited so we will try to expedite our session and join our kids at the Supreme Court chamber.

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT. & AGENCY COMM. 15-4: (3/8/06) From Ms. Linda T. Cabrera, SAPLR, acknowledging receipt of H. R. NO. 15-24 and H. R. NO. 15-25, HD2.

DEPT. & AGENCY COMM. 15-5: (3/10/06) From Ms. Linda T. Cabrera, SAPLR, acknowledging receipt of H. R. NO. 15-27 thru H. R. NO. 15-30.

DEPT. & AGENCY COMM. 15-6: (3/16/06) From Ms. Linda T. Cabrera, SAPLR, acknowledging receipt of H. R. NO. 15-26.

DEPT. & AGENCY COMM. 15-7: (3/16/06) From Ms. Linda T. Cabrera, SAPLR, acknowledging receipt of H. J. R. NO. 15-1.

DEPT. & AGENCY COMM. 15-8: (3/14/06) From Mr. Matthew Gregory, Attorney General, in response to the Speaker's and the Minority Leader's request for information regarding the Governor's reprogramming authority.

The Chair recognized Representative Palacios.

Rep. Palacios: Thank you, Mr. Speaker. I take note of Dept. & Agency Comm. 15-8 from the Attorney General to you and myself. I certainly appreciate the letter from the Attorney General. I would like to sit down with you and perhaps go over there and discuss the communication, Mr. Speaker.

Speaker Babauta: Thank you, we will try to make time tomorrow, hopefully before the session. Thank you, Minority Leader.

OTHER COMMUNICATIONS

MISC. COMM. 15-4: (3/9/06) From the Rota Legislative Delegation informing the Presiding Officers of the 15th Legislature that they are organized and ready to transact business.

There was no discussion.

REPORTS OF STANDING COMMITTEES

S. C. R. No. 15-12: Reporting on H. B. No. 15-22, entitled, “To require the Scholarship Office and any other governmental agency issuing scholarships to provide scholarship recipient lists to governmental entities; and for other purposes. *Your Committee on Health, Education, and Welfare recommends passage of the bill with amendments.*”

S. C. R. No. 15-13: Reporting on H. B. No. 15-51, entitled, “To amend 4 CMC § 1708(b) to provide funding to support the Public School System’s Seven-Year CIP Plan 2005-2012 and NMC’s CIP Plan 2006-2013; and for other purposes.” *Your Committee on Health, Education, and Welfare recommends passage of the bill with amendments.*

S. C. R. No. 15-14: Reporting on H. B. No. 15-61, entitled, “To amend 1 CMC § 1617, created by Section 3 of Public Law No. 12-43, to give the Speaker of the Youth Congress the authority to appoint individual members of the Youth Congress to serve as non-voting honorary members of each Commonwealth Board and Commission; and for other purposes.” *Your Committee on Health, Education, and Welfare recommends passage of the bill without amendment.*

S. C. R. No. 15-15: Reporting on H. B. No. 15-86, entitled, “To amend 1 CMC § 2281 by amending subsection (c) and adding a new subsection (d); and for other purposes.” *Your Committee on Health, Education, and Welfare recommends passage without amendment.*

S. C. R. No. 15-16: Reporting on H. L. I. No. 15-1, entitled, “A House Legislative Initiative to amend Article XV, Section 2(a) of the Constitution of the Northern Mariana Islands. *Your Committee on Health, Education, and Welfare recommends passage of the legislative initiative without amendment.*”

S. C. R. No. 15-17: Reporting on H. B. No. 15-34, entitled, “To prohibit the importation and sale of used tires in the Commonwealth; and for other purposes.” *Your Committee on Commerce and Tourism recommends passage of the bill in the form of a substitute.*

S. C. R. No. 15-18: Reporting on H. B. No. 15-35, entitled, “To amend the enforcement and penalties of Alcoholic Beverage Control violations; and for other purposes.” *Your Committee on Commerce and Tourism recommends passage of the bill in the form of a substitute.*

S. C. R. No. 15-19: Reporting on H. B. NO. 15-36, entitled, “To provide for the regulation of non-bank automated teller machines by adding a new Chapter 10 to Title 4, Division 6; and for other purposes.” *Your Committee on Commerce and Tourism recommends passage of the bill in the form of a substitute.*

With the consensus of the members, the Reports are to be considered at the next House session.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Deleon Guerrero: Mr. Speaker, I move for the suspension of pertinent rules for the adoption of all resolutions on today’s Resolution Calendar as stipulated: SEN. COMM. 15-20, SEN. COMM. 15-22, H. R. NO. 15-31 thru H. R. NO. 15-40, H. J. R. NO. 15-2 and HSE. COMM. RES. NO. 15-2.

The motion was seconded.

Speaker Babauta: The motion on the floor is to adopt SEN. COMM. 15-20, SEN. COMM. 15-22, H. R. NO. 15-31 thru H. R. NO. 15-40, H. J. R. NO. 15-2 and HSE. COMM. RES. NO. 15-2.... Short recess.

The House recessed at 2:49 p.m.

RECESS

The House reconvened at 2:50 p.m.

Speaker Babauta: We are back into session. Floor Leader, please restate your motion.

Floor Leader Deleon Guerrero: Mr. Speaker, I move to suspend pertinent rules to place Hse. Comm. Res. No. 15-2, H. R. No. 15-31, H. R. No. 15-32, H. R. No. 15-33, H. R. No. 15-34, H. R. No. 15-35, H. R. No. 15-36, H. R. No. 15-37, H. R. No. 15-38, H. R. No. 15-39, H. R. No. 15-40, and H. J. R. No. 15-2 on the Resolution Calendar for adoption and introduced by the Committee of the Whole; and, S. J. R. No. 15-4 reference to Sen. Comm. 15-20 and S. J. R. No. 15-5 reference to Sen. Comm. 15-22.

Speaker Babauta: Thank you. There is a motion on the floor for the suspension of pertinent rules to place and adopt the following Hse. Comm. Res. No. 15-2, H. R. No. 15-31, H. R. No. 15-32,

H. R. No. 15-33, H. R. No. 15-34, H. R. No. 15-35, H. R. No. 15-36, H. R. No. 15-37, H. R. No. 15-38, H. R. No. 15-39, H. R. No. 15-40, H. J. R. No. 15-2, introduced by the Committee of the Whole; and, S. J. R. No. 15-4 and S. J. R. No. 15-5.

The motion was seconded and carried by voice vote.

Speaker Babauta: The motion is carried. Floor Leader.

Floor Leader Florencio Deleon Guerrero moved for the adoption of Hse. Comm. Res. No. 15-2, H. R. No. 15-31, H. R. No. 15-32, H. R. No. 15-33, H. R. No. 15-34, H. R. No. 15-35, H. R. No. 15-36, H. R. No. 15-37, H. R. No. 15-38, H. R. No. 15-39, H. R. No. 15-40, H. J. R. No. 15-2, S. J. R. No. 15-4 and S. J. R. No. 15-5.

The motion was seconded.

HSE. COMM. RES. NO. 15-2: A HOUSE COMMEMORATIVE RESOLUTION TO EXPRESS A SINCERE AND HEARTFELT RECOGNITION, CONGRATULATION AND COMMENDATION TO SAIPAN SOUTHERN HIGH SCHOOL MOCK TRIAL COMPETITION TEAM, TEACHER AND ATTORNEY COACHES FOR CAPTURING THE 2006 (8TH ANNUAL) CNMI HIGH SCHOOL MOCK TRIAL COMPETITION CHAMPIONSHIP TITLE HELD AT THE JUDICIAL COMPLEX ON SATURDAY, MARCH 11, 2006.

H. R. No. 15-31: A HOUSE RESOLUTION IN SUPPORT OF THE BUILDING OF A CURATORIAL, EXHIBIT PREPARATION AND STORAGE FACILITY ON THE NMI MUSEUM OF HISTORY AND CULTURE GROUNDS.

H. R. No. 15-32: A HOUSE RESOLUTION RECOGNIZING THE EXISTENCE OF PUBLIC LAW 13-29 TO CREATE A “NORTHERN MARIANA ISLANDS FILM OFFICE” WITHIN THE MARIANAS VISITORS AUTHORITY AND ACKNOWLEDGING THE NEED TO FILL THE EVER CONTINUING VACANT FILM OFFICE MANAGER’S POSITION AND RECOMMENDING THAT MR. LEONARD “BUTCH” WOLF FOR THE FILM OFFICE MANAGER POSITION.

OFFERED BY: REP. FRANCISCO S. DELA CRUZ AND FOUR OTHERS

H. R. No. 15-33: A HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE PASSAGE OF S. 1954 (“INSULAR POSSESSIONS ACT OF 2005”) INTRODUCED BY SENATOR LARRY E. CRAIG AND SENATOR DANIEL K. AKAKA IN THE SENATE OF THE 109TH UNITED STATES CONGRESS, TO AMEND THE GENERAL NOTES OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES TO GIVE PRODUCTS IMPORTED FROM THE UNITED STATES INSULAR POSSESSIONS THE SAME TREATMENT AS PRODUCTS IMPORTED FROM COUNTRIES WITH WHICH THE UNITED STATES HAS ENTERED INTO A FREE TRADE AGREEMENT IN ORDER TO MAKE THE APPAREL MANUFACTURING IN THE NORTHERN MARIANAS GLOBALLY COMPETITIVE.

H. R. No. 15-34: A HOUSE RESOLUTION URGING THE NORTHERN MARIANAS HOUSING CORPORATION TO EXPEDITE HOME REPAIRS AT TOTTOTVILLE TO ADDRESS THE NUMEROUS ISSUES RAISED BY HOMEOWNERS.

H. R. No. 15-35: A HOUSE RESOLUTION REQUESTING THAT THE CNMI OFFICE OF THE GOVERNOR AND THE CNMI OFFICE OF THE ATTORNEY GENERAL REVIEW AND TAKE APPROPRIATE

ACTIONS IN THE MATTER OF LEASES BETWEEN THE COMMONWEALTH PORTS AUTHORITY AND MOBIL OIL MARIANA ISLANDS AND SHELL MARIANAS.

H. R. No. 15-36: A HOUSE RESOLUTION TO REQUEST THE DEPARTMENT OF PUBLIC LANDS TO DESIGNATE A PARCEL OF PUBLIC LAND TO THE MARIANAS AUTO-MOTOR SPORTS ASSOCIATION FOR THE CONSTRUCTION OF A DRAG RACING FACILITY.

H. R. No. 15-37: A HOUSE RESOLUTION TO STRONGLY EXPRESS FULL SUPPORT TO THE CHAMOLINIAN CULTURAL VILLAGE, INC.'S GRANT APPLICATION TO THE U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, ADMINISTRATION FOR NATIVE AMERICANS.

H. R. No. 15-40: A HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING MARIANAS INTERNATIONAL TRAVEL AGENCY (MITA TRAVEL) FOR BEING HONORED BY WESTERN UNION WITH TWO AWARDS FOR ACHIEVING THE “HIGHEST NUMBER OF NEW LOCATIONS” AT THE MOST RECENTLY HELD ANNUAL WESTERN UNION AGENT SUMMIT IN PHUKET, THAILAND; AND FOR OTHER PURPOSES.

H. J. R. No. 15-2: EXPRESSING SUPPORT FOR THE PASSAGE OF S. 1954 (“INSULAR POSSESSIONS ACT OF 2005”) INTRODUCED BY SENATOR LARRY E. CRAIG AND SENATOR DANIEL K. AKAKA IN THE SENATE OF THE 109TH UNITED STATES CONGRESS, TO AMEND THE GENERAL NOTES OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES TO GIVE PRODUCTS IMPORTED FROM THE UNITED STATES INSULAR POSSESSIONS THE SAME TREATMENT AS PRODUCTS IMPORTED FROM COUNTRIES WITH WHICH THE UNITED STATES HAS ENTERED INTO A FREE TRADE AGREEMENT IN ORDER TO MAKE THE APPAREL MANUFACTURING IN THE NORTHERN MARIANAS GLOBALLY COMPETITIVE.

S. J. R. No. 15-4: A SENATE JOINT RESOLUTION REQUESTING THE COMMONWEALTH PORTS AUTHORITY TO PROVIDE FREE PARKING FOR ALL COMMONWEALTH GOVERNMENT EMPLOYEES STATIONED AT THE SAIPAN INTERNATIONAL AIRPORT AND SAIPAN SEAPORT.

S. J. R. No. 15-5: A SENATE JOINT RESOLUTION TO RESPECTFULLY OPPOSE THE PROPOSAL TO AMEND THE APPLICABLE ENTRY, IMMIGRATION, ADOPTION AND OTHER LAWS AND REGULATIONS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS WHICH WOULD ALLOW FOR THE IMPLEMENTATION OF THE PROPOSED SAFE HAVEN PROGRAM.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: I have a few comments, Mr. Speaker. I am asking everyone to support H. R. NO. 15-31; this is to support the building curatorial exhibit preparation and short facility for the CNMI Museum. It is long overdue that we look at this issue and support it. I would even go further to ask every member to visit the Museum so that you know why this Resolution is in front of us besides what is in the context of the Resolution itself. The Assistant Attorney General has issued his opinion on the Saipan Trust Fund, particularly to the *Senora De la Concepcion* artifacts. This is also in line with the Resolution and for us to support the Museum's interest. On H. R. NO. 15-32 with regards to the Mariana Islands Film Office within the Marianas Visitors Authority (MVA), I have a few questions to the author. Is there funding for this under Marianas Visitors Authority, and will this Resolution conflict with the Fair Labor Standards Act?

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Mr. Speaker, thank you. H. R. NO. 15-32 is based on P. L. 13-29. We have quite a lot of interests from some people that have wanted to set up a filming industry. Fittingly, MVA has the position in place ever since the 13th Legislature. As far as the funding, this would be looked at also by the Board of MVA as well as the Administration to find funding for such a position.

Rep. Tebuteb: Actually, my main concern is inclusive of MVA, we have a few agencies who have been crying wolf for funding, and I am not sure how to answer that through this resolution, which I would like to also look into and see if we can assist the office created by P.L. 13-29. I am also curious as to the number of people “certified” that Mr. Butch Wolf has helped us with. I do support Mr. Wolf in all his contributions to the community. I have seen their product through the South Pacific Games in Palau. The committee in Palau had the opportunity and as well as our a few people who have gone through this course who had their opportunity to assist in the South Pacific Games as well as the South Pacific Art Festival. I have yet to really go into details of these people that they have been certified and mostly the funding that we need to assist for MVA and MVA is also crying for funding.

Speaker Babauta: I assume the enabling statute that created the office has a provision that would fund itself through permitting fees by MVA and anyone can correct me particularly those members that were in 13th Legislature. I am not to sure to what extend the dollar value of that office would require, but I recall that the enabling law which is P.L. 13-29 allows the assessment of permit fees for movie shooters and the likes. Representative Kaipat.

Rep. Kaipat: Thank you, Mr. Speaker. I believe that the intent of this resolution is to recognize Mr. Wolf as a person who is eminently qualified to be employed in this office that had been created within MVA. If the CNMI is serious about the establishing a film industry over here, here is someone who is in the inside who really knows this business and this basically recognizes him as someone who is truly qualified to hold this position and help establish this industry here. Thank you.

The Chair recognized Representative Taman.

Rep. Taman: While I agree that Mr. Wolf is a competent individual for this position, I also remember that last week we were invited for a film company to make a presentation here seeking the support of legislature. I also understand that Mr. Wolf has major interests in that film industry and should he be the manager of this agency that would be direct conflict of interest. So, we have to be careful on this.

The Chair recognized Representative Tebuteb.

Rep. Tebuteb: I do understand and I do support the recognition of Mr. Wolf, he has done a lot to the community. But, the resolution further states that we are recommending that he fills that position without funding. As far as I understand on the permits that are being issued to film makers that visit our islands, they have always had difficulty with the permitting agencies, in particular the Department of Public Lands, to try to secure this permit and on other matters such as insurance. So the funding that I believe you may be alluding to, Mr. Speaker, is still in the air and we would like to grasp that if possible.

Speaker Babauta: It looks like we have a language clarification issue here pursuant to your debates. May I recognize the legal counsel to enlighten the members with the real intent of the H. R. NO. 15-32.

Legal Counsel Jose Bermudes: This is the first time I've seen it, so it's correct that the Resolution is recommending that Mr. Wolf fill the position. As to the provisions of Public Law 13-29 I need to look at it. But it's clearly stating that the House is recommending that the position be filled by Mr. Wolf. And that the point raised by the Congressman Taman needs to be looked at because it's clearly a conflict of interest if Mr. Wolf holds the position and then going to be hiring his company. So, as far as what I opine at this moment is it clearly recommends for him to be hired and there is a conflict issue, and I don't know what is the provision of P.L. 13-29 until I look at it.

The Chair recognized Representative Dela Cruz.

Rep. Dela Cruz: Thank you, Mr. Speaker. For information purposes, this is still in the early stages. Right now, the recommendation for Mr. Wolf is just that -- it is a recommendation. There is no concrete set in stone. We have yet to discuss with MVA as well as the Administration as far as funding for this position. Basically it is recognition for Mr. Wolf and also to bring about the office that has been vacant for quite some time.

The Chair recognized Representative Tenorio.

Rep. Tenorio: Question, Mr. Speaker. I do not recall the Governor certifying the vacancy for this position. Does he have to do that, or are we declaring this a vacant position?

Speaker Babauta: Well, I guess this is a result of at the request of our distinguish colleague, Representative Torres that would allow for Mr. Wolf and this firm to make a presentation with respect to the film industry issue here in the CNMI. So, of course, the Office of the Speaker consumed such a request and allowed members to participate in a brief dialogue with Mr. Wolf and his firm. [End of Tape 1, side A] [Beginning Tape 1, side B] ...to play publicly in many occasions and in a variety of issues. The products of Mr. Wolf and his Associates have been consumed by the viewing public in the Commonwealth. I understand that his latest film rather at making was with the Emergency Management Office.

The Chair recognized the Vice Speaker.

Vice Speaker Quitugua: If there is no objection, Mr. Speaker, I would like to request that the Legal Counsel re-word the phrases appearing on the Resolution recommending that Mr. Wolf be hired by MVA and rather the language would express the interest of the House for MVA to fill this position, primarily a local that has experience in this area.

The Chair recognized Representative Torres.

Rep. Torres: Thank you, Mr. Speaker. In defense to my colleague Representative Dela Cruz that this is a recommendation, that is just it. On the conflict of interest issue, I think that if they choose to hire Mr. Wolf, then the conflict of interest would be resolved at the hiring agency. Thank you.

Speaker Babauta: Pursuant to law. Anyway, it is as we call it, a desire. Thank you. Representative Kaipat.

Rep. Kaipat: I just want to clarify something. This is a person who has been living this community for twenty years. He is a local, he has been contributing to this community, and he is someone who still works in Hollywood today who has a vested interest in remaining in our community in continuing to contribute and to teach our people how to be in the film industry. I have said before that we are capable of more than just packing boxes in garment factories. They have that opportunity and Mr. Wolf, whether he is an employee of the MVA or his own firm, will be able to help bring an industry here to the CNMI that would be lucrative and also provide employment for the people and contributing in a lot of ways. Thank you.

The Chair recognized Representative Torres.

Rep. Torres: Mr. Speaker, just to extend Representative Kaipat's statement, Mr. Wolf's main interest is to bring in revenues by bringing in actors and people that are the film making industry to our islands. That is his interest. I do not know if that will conflict with his job, but if he brings us in ten million dollar in one year for that purpose, then so be it.

Speaker Babauta: Okay, so we look forward for the ten million. I love to hear that. I recognize Representative Martin Ada

Rep. Ada: I have had the opportunity in the 13th Legislature with Mr. Wolf coming to my office lobbying for this film office when he was at NMC. He had a staff with him; one of his crew was an academy award winner, so he is still connected with Hollywood. This is one chance of a lifetime that we have somebody who is that highly qualified. So let us support the film industry. We need all the industries we can bring in to stir up our economy, thank you.

Rep. Tebuteb: For the last time, Mr. Speaker. I have no doubt that Mr. Wolf is a very qualified professional. With the recent controversy on the *bayogu*, with or without Mr. Wolf, the CNMI was able to bring in some money, but I do not know whether it went to MVA to hire somebody with a caliber like Mr. Wolf. I think we should go that route.

The Chair recognized Vice Speaker Quitugua.

Vice Speaker Quitugua: This is just to point out an amendment that the members can take a look at and see weather it is fitting or neutral if we bring line 13 to 15 up and place it under line 7. And on line 10, we cross out the word "as Mr. Butch Wolf". Then on page 2, lines 2 and 3, we can re-word it and say, "The Fifteenth Northern Marianas Commonwealth Legislature that the House hereby recommends that MVA hires for the position of NMI Film Office Manager".

Speaker Babauta: Is that a comment, or oral floor amendment?

Vice Speaker Quitugua: It is oral floor amendment if it is agreeable to the members; I so move.

Speaker Babauta: Is everybody clear on the oral floor amendment offered by the Vice Speaker?

The motion to amend H. R. NO. 15-32 as offered by the Vice Speaker was seconded and carried by voice vote without discussion.

Speaker Babauta: We are now discussing H. R. NO. 15-32, House Draft 1. Just a note on H. R. NO. 15-31, I also received a similar proposed resolution and the cover letter by our Executive Director for the Commonwealth Museum, Mr. Hunter who is here with us this afternoon -- thank you for coming. I took that package and made a copy with a cover letter to the Northern Marianas Housing Corporation that handles grants primarily with the CDBG (Community Development Block Grant). I have received a letter this morning from Ms. Edith Fejeran, the acting Chief Executive Officer of NMHC letting my office know pursuant to my letter that Mr. Robert Triyani the Planner and Grant Writer of CDBG is in the process of formulating a package primarily on Mr. Hunter's request on behalf of the Commonwealth Museum. So in that near future, we would be seeing the fruits of our labor to augment the Commonwealth Museum's endeavor in putting up a storage facility for our artifacts. I would share this letter at a later time today to all the members so that everybody is aware.

The Chair recognized Representative Palacios.

Rep. Palacios: Mr. Speaker, am I in order to move on to another resolution?

Speaker Babauta: Yes, we are still under discussion on any of those resolutions. Proceed.

Rep. Palacios: Thank you, Mr. Speaker. This is in reference to H. R. NO. 15-35. This is a very critical Resolution on a critical issue, Mr. Speaker, and that I would like to give credit to Representative Torres for taking the effort to look into this issue. If you peruse through some of the attachments, what you have are lease agreements that was executed by our Ports Authority between the two main fuel suppliers to the Commonwealth, namely Mobil Oil Marianas and Shell Marianas. These are lease agreement for pieces of property between the commercial port areas on Saipan, primarily on Saipan. The Resolution is explicitly pointing out the potential unconstitutionality of the lease agreements that were executed by the Commonwealth Ports Authority and these two companies. These properties are situated where the fuel farms are. The section in the Constitution is Article 11 on public lands wherein fundamental policies says that the corporation, at the time is MPLA or MPLC and its successor agency, MPLA, and now Board of Public Lands and other agencies that have gotten titles to public lands for public purposes. This is a resolution requesting the Office of the Governor and the Office of the Attorney General, but I also believe, Mr. Speaker, that we would be in order to also have our legal counsels take a look at the issue and provide legal advise to the chairman specifically on this issue where in fact, one, the lease agreements is unconstitutional in that it has gone beyond years or term as specified in the NMI Constitution and has already executed the fifteen-year extension without any legislative approval. Those are the underlying questions that we would like to have our legal counsels take a look at and potentially review the lease agreements and report back to the Chair.

Speaker Babauta: Thank you for the comment. With that we will be adopting this resolution this afternoon, and officially engaging the Chairman of the Committee on Natural Resources with the

assistance of our counsel to immediately engage in an official finding of the Resolution and to report back to Chair and the House with respect to this land lease agreements. I am very astonished to learn that we have two public land agencies in the Commonwealth Government also two Legislatures. So we need to set perimeters. And invoke your constitutional authority, Mr. Chairman, to get to the bottom of this House Resolution, thank you. We need to correct the wrong, if there is one. Any other member wishing to discuss any of the Resolutions?

There was no further discussion, and the motion to adopt Hse. Comm. Res. No. 15-2, H. R. No. 15-31, H. R. No. 15-32, H. R. No. 15-33, H. R. No. 15-34, H. R. No. 15-35, H. R. No. 15-36, H. R. No. 15-37, H. R. No. 15-38, H. R. No. 15-39, H. R. No. 15-40, H. J. R. No. 15-2, S. J. R. No. 15-4 and S. J. R. No. 15-5 was carried by voice vote.

Speaker Babauta: The motion is carried. Short recess.

The House recessed at 4:15 p.m.

RECESS

The House reconvened at 4:15 p.m.

Speaker Babauta: I believe some of the members wanted to leave at three o'clock this afternoon, and I must apologize for the 15-minute delay. We will recess until tomorrow at 1:30 in the afternoon. Thank you very much. Recess.

The Chair declared the House recessed at 4:16 p.m.

Respectfully submitted,

/s/ Sheila Ann T. Herwin, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

FIRST APPEARANCE

H. L. B. No. 15-24; H. L. B. No. 15-25, and H. L. B. No. 15-26

SECOND APPEARANCE

H. L. B. No. 15-22: To appropriate \$40,000.00 from the local license fees for pachinko slot machines and poker machines in the First Senatorial District; and for other purposes.

H. L. B. No. 15-23: To appropriate \$55,500.00 from the local license fees for pachinko slot machines and poker machines in the Second Senatorial District to fund the Tinian Municipal Scholarship Program; and for other purposes.

THIRD APPEARANCE:

H. L. B. No. 15-20: To appropriate \$450,000.00 from Saipan Local Law 11-2, as amended, for a road pavement project at Obyan; for the design and construction of two (2) beach pavilions; and for other purposes.

H. L. B. No. 15-21: To appropriate the sum of \$922,140 from Saipan Local Law 11-2 to fund various Precinct II improvement projects; and for other purposes.