

HOUSE OF REPRESENTATIVES
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2000

SECOND DAY

February 15, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Second Day, First Regular Session, 2000, on Tuesday, February 15, 2000, at 10:30 a.m. in the House Chamber, Capitol Hill, Commonwealth of the Northern Mariana Islands.

The Honorable Benigno R. Fitial, Speaker of the House, presided.

A moment of silence was observed.

In accordance with Rule XIII, § 2(a) all eighteen member were present.

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the adoption of the First Day, First Regular Session journal.

The motion was seconded.

First Day, First Regular Session (02/14/00)

Speaker Fitial: Discussion on the motion? Representative Benavente?

Rep. Benavente: Mr. Speaker, I ask that members be allowed to make the necessary typo or grammatical errors that appears on the journal. I ask that without objection on the floor, we be allowed to do that. Again, I understand that none of the contents may be amended just a grammatical or typo errors that we see that is being done already.

There was no objection raised. The motion to adopt the First Day, First Regular Session journal was carried by voice vote.

PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 12-42: A Bill for an Act to enable the Division of Revenue and Taxation to closely monitor all taxable transfers of real estate in order to facilitate collection of the business gross revenue and tax upon transfers for certain CNMI real

property interests and to prevent loss of tax revenue due to non-compliance; and for other purposes.

Offered by: Rep. Jesus T. Attao
Referred to: Committee on Ways and Means

H. B. NO. 12-43: A Bill for an Act to make government retirement pension subject to a 100% tax rebate.

Offered by: Rep. Jesus T. Attao
Referred to: Committee on Ways and Means

H. B. NO. 12-44: A Bill for an Act to provide for an open period to allow Class I members to elect to be credited for prior service; and for other purposes.

Offered by: Rep. Jesus T. Attao
Referred to: Committee on Ways and Means

H. B. NO. 12-45: A Bill for an Act to amend 4 CMC 5613; and for other purposes.

Offered by: Rep. David M. Apatang and three others
Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 12-46: A Bill for an Act to vacate Section 214 of the Executive Order 94-3 to combine the Civil Service Commission with the Office of Personnel Management; and for other purposes.

Offered by: Rep. Maria “Malua” T. Peter and nine others
Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 12-47: A Bill for an Act to provide that Bird Island and Forbidden Island should be made sanctuaries pursuant to Article XIV, Section 2 of the Commonwealth Constitution; and for other purposes.

Offered by: Rep. Rosiky F. Camacho
Referred to: Committee on Natural Resources.

H. B. NO. 12-48: A Bill for an Act to state as public policy that construction of an 80 megawatt power plant facility by phases, beginning with immediate installation of 60 megawatts of generating capacity, is in the best interests of the Commonwealth; to find and declare that phased construction of 80 megawatts of generating capacity is consistent with the Request for Proposals (RFP) under which proposers recently competed for a contract for a new power plant on Saipan; to provide a time period during which the proposers may stand by their existing proposals for purposes of project award; to expressly authorize project award and negotiation of a contract based on existing proposals; and for other purposes.

Offered by: Rep. Rosiky F. Camacho
Referred to: Committee on Public Utilities, Transportation and
Communications

H. B. NO. 12-49: A Bill for an Act to require marriage counseling and education before a marriage license is issued in the Commonwealth; and for other purposes.

Offered by: Rep. Egredino “Dino” M. Jones
Referred to: Committee on Health and Welfare

H. B. NO. 12-50: A Bill for an Act to coordinate school-to-work employment in the private sector for CNMI college and technical/vocational graduates; and for other purposes.

Offered by: Rep. William S. Torres and ten others
Referred to: Committee on Education

H. B. NO. 12-51: A Bill for an Act to amend 4 CMC §1708 of the Northern Marianas Territorial Income Code to provide for a 100% income tax rebate to owners of condominiums and individuals units thereof.

Offered by: Rep. Oscar M. Babauta
Referred to: Committee on Ways and Means

H. B. NO. 12-52: A Bill for an Act to amend 1 CMC §§ 7821 and 7831 (§§ 206 and 300 (b) of Public Law 3-91, the Commonwealth Auditing Act of 1983); to repeal and reenact 4 CMC §§ 10413 (§ 22 of Public Law 4-49); to repeal 1 CMC 2306 (b) (§ 205 (b) of Public Law 3-91); and for other purposes.

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

H. B. NO. 12-53: A Bill for an Act to amend 1 CMC, Division 8, Chapter 3, § 8131 (a) (2); and for other purposes.

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

H. B. NO. 12-54: A Bill for an Act to amend Title 9 CMC Division 2, to eliminate the registration requirement for bicycles, raise the registration fees for motor vehicles, and require that all cars and truck display license plates on both the front and rear; and for other purposes.

Offered by: Rep. Oscar M. Babauta
Referred to: Committee on Ways and Means

H. B. NO. 12-55: A Bill for an Act to provide for professional scholarships to Commonwealth students; and for other purposes.

Offered by: Rep. Benigno R. Fitial and nine others
Referred to: Committee on Education

PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-8: A House Resolution requesting the Secretary of the Department of Commerce to study the potential of establishing a fishing co-op program in the Commonwealth of the Northern Mariana Islands.

Offered by: Rep. Martin B. Ada
Referred to: Committee on Commerce and Tourism

H. R. NO. 12-9: A House Resolution to commend and congratulate Mrs. Marian Aldan-Pierce for having been selected the “1999 Businessperson of the Year”.

Offered by: Rep. Diego T. Benavente and seven others
Referred to: Committee on Health and Welfare

MESSAGES FROM THE GOVERNOR

Gov. Comm. 12-23 – January 13, 2000 – P.L. 11-6 exemption for Hafadai Beach Hotel.

Gov. Comm. 12-24 – January 14, 2000 – P.L. 11-6 exemption for Angyuta Shipping Company, Ltd.

Gov. Comm. 12-25 – January 14, 2000 – P.L. 11-6 exemption for Pacific Medical Center.

Gov. Comm. 12-26 – January 14, 2000 – P.L. 11-6 exemption for Pacific Gardenia Hotel.

Gov. Comm. 12-27 – January 14, 2000 – P.L. 11-6 exemption for Eskuelan San Francisco De Borja.

Gov. Comm. 12-28 – January 18, 2000 – P.L. 11-6 exemption for Micronesian Health Corporation, Island Medical Center.

Gov. Comm. 12-29 – January 18, 2000 – P.L. 11-6 exemption for Saipan TV Productions, Inc.

Gov. Comm. 12-30 – January 19, 2000 – P.L. 11-6 exemption for ASG Corporation d.b.a. Elite Printing.

Gov. Comm. 12-31 – January 19, 2000 – P.L. 11-6 exemption for Younis Art Studio, Inc.

Gov. Comm. 12-32 – January 20, 2000 – P.L. 11-6 exemption for Midland Insurance underwriters.

Gov. Comm. 12-33 – January 21, 2000 – P.L. 11-6 exemption for Northern Marianas College.

Gov. Comm. 12-34 – January 25, 2000 – P.L. 11-6 exemption for Saipan Seventh Day Adventist School.

Gov. Comm. 12-35 – January 25, 2000 – P.L. 11-6 exemption for Younis Art Studio, Inc.

Gov. Comm. 12-36 – January 26, 2000 – P.L. 11-6 exemption for Tropical Laundry and Linen Supply Co., Ltd.

Gov. Comm. 12-37 – February 3, 2000 – P.L. 11-6 exemption for Mariana Corporation d.b.a. Beach Garden Hotel.

Gov. Comm. 12-38 – February 3, 2000 – P.L. 11-6 exemption for Magic Candles.

Gov. Comm. 12-39 – February 3, 2000 – P.L. 11-6 exemption for Microblend d.b.a. Niko-Ken.

Gov. Comm. 12-40 – February 4, 2000 – P.L. 11-6 exemption for Eucon International School of Saipan.

Gov. Comm. 12-41 – February 10, 2000 – P.L. 11-6 exemption for The First Floral Shop.

Gov. Comm. 12-42 – February 10, 2000 – P.L. 11-6 exemption for CNMI Department of Public Health.

Gov. Comm. 12-43 – February 10, 2000 – P.L. 11-6 exemption for Emperor Enterprise Corp.

Gov. Comm. 12-44 – February 10, 2000 – P.L. 11-6 exemption for Pacific Basin Insurance Company.

Gov. Comm. 12-45 – February 14, 2000 – P.L. 11-6 exemption for Pacific Micronesia Tours, Inc.

Gov. Comm. 12-46 – February 14, 2000 – Informing the Legislature that he disapproved House Bill No. 11-500, HCS1, HD1 (Mañagaha Marine Conservation Act of 1999).

Gov. Comm. 12-47 – February 14, 2000 – Informing the Legislature that he disapproved House Local Bill No. 11-26, D2 (Saipan and Northern Islands Resident Identification Card Act).

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move to omit all pertinent messages from the Governor.

The motion was seconded.

Speaker Fitial: Can you please restate the motion?

Floor Leader Babauta: The motion is to omit the pertinent messages from the Governor, Mr. Speaker.

Speaker Fitial: Omit from what?

Floor Leader Babauta: From the Order of Business, unless members need to discuss on certain messages.

Speaker Fitial: Discussion? Representative Attao?

Rep. Attao: Mr. Speaker, I would like for the Chairman on JGO together with Commerce and Tourism to take a look at Governor's Communication 12-27. And if possible, Mr. Speaker, to report to the full House the findings on these exemptions.

Speaker Fitial: There is a request from Representative Attao requesting the Committees on Commerce and Tourism and Judiciary and Governmental Operations to look into Governor's Communication 12-27 and report their findings. I don't know whether this is germane to the main motion but it would be also of benefit to the House to get to know what is in Governor's Communication 12-27. Representative Peter?

Rep. Peter: Thank you, Mr. Speaker. Before we continue on on all the exemptions on Messages from the Governor, I would like to ask if any of us know whether these messages sent to us are after the approval of the request or prior? Does any of us know whether these messages come here after they are approved? Because I don't think there is any sense discussing these messages if they are already being approved. Thank you, Mr. Speaker.

Speaker Fitial: Can I ask the Floor Leader to effectuate a motion to resolve into the Committee of the Whole so that we can ask our legal counsel to expound on these issues?

Floor Leader Babauta: So move, Mr. Speaker.

The motion was seconded and carried by voice vote.

The House resolved into the Committee of the Whole at 10:43 a.m.

COMMITTEE OF THE WHOLE

The House dissolved into plenary session at 11:10 a.m.

Speaker Fitial: We are still on the motion to omit these Messages from the Governor on waivers, exemptions. Further discussion? Representative Benavente?

Rep. Benavente: Thank you. I guess we've spent few minutes, more than few minutes, to discuss some of the problems we have in regards to the Governor's Communications and in fact, I have already committed two committee's to look into some of the communications or one particular communication. I think, Mr. Speaker, I have no problem with the leadership in trying to limit the contents of the Order of Business and I agree that that should be done. But I still feel that the certification require under P. L. 11-6 for the Governor to inform the Legislature needs to appear on the Agenda for the opportunity of the members to air their concern(s) from some of those communications or certification. I would like to suggest to the Speaker that the leadership inform the Governor that there is certain certification that is not necessary to be submitted to the Legislature and therefore, that would cut down some of these communications. But I still feel that under the existing law where it requires the Governor to certify to the Legislature that those communications appear in the Order of Business during our sessions. Thank you.

Speaker Fitial: Point well-taken. Just to inform the members that our present Rules did not require these types of messages to appear on the Order of Business where the House action is not warranted. But I will take your request to inform the Governor. We are meeting this afternoon with the Governor, at four o'clock, so rest assured Representative Benavente this would be one of the items of discussion this afternoon with the Governor. We are voting on the motion to omit from the Order of Business these messages from the Governor that do not warrant the action of the House.

Rep. Benavente: Clarification on the motion.

Speaker Fitial: The motion is to omit from the Order of Business the messages from the Governor concerning exemptions.

Rep. Benavente: Are we going to omit all of the communications? I heard you say before you made that statement that you would be omitting those that are not necessary. Are we following the original motion, which was made by the Floor Leader that all of the communications be omitted from the Order of Business?

Speaker Fitial: I have it down here that the Floor Leader moved to omit from the Order of Business these messages appearing on Item 5 respecting exemptions.

Rep. Hofschneider: Clarification, Mr. Speaker.

Speaker Fitial: Recognized, Representative Hofschneider.

Rep. Hofschneider: Would that mean, heretofore, forever in the Twelfth Legislature we will not see this kind of communication on the Calendar?

Speaker Fitial: In the Order of Business. But, every communication that we receive from the Governor respecting exemption will be given privilege to all members. Ready? Roll call.

The Clerk called the roll on the motion to omit the messages from the Governor pertaining to P. L. 11-6 exemptions as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	no
Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Heinz S. Hofschneider	no
Rep. Brigida DLG. Ichihara	yes
Rep. Dino M. Jones	yes
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Norman S. Palacios	yes
Rep. Thomas B. Pangelinan	yes
Rep. Maria “Malua” T. Peter	yes
Rep. Stanley T. Torres	no
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: The motion carries. Any further discussion on any of the messages from the Governor? Ready? Let us go down to Item No. 12.

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATION FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move to suspend Rule VII Section 9 for the placement of the following Standing Committee Report Nos. 12-1, 12-2, 12-3 and 12-4.

The motion was seconded and carried by voice vote.

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the adoption of Standing Committee Report 12-1, relative to House Resolution No. 12-2; Standing Committee Report 12-2, relative to House Resolution No. 12-3; Standing Committee Report 12-3, relative to House Resolution No. 12-5; and Standing Committee Report 12-4, relative to House Resolution No. 12-7.

The motion was seconded.

S.C.R. NO. 12-1: Reporting on House Resolution No. 12-2, entitled, “A House Resolution to bestow upon Ms. Michelle Boyer Sablan a distinguished legislative recognition on the occasion of her enthronement and reign as Ms. CNMI International, 1999-2000, and for other purposes.” Your Committee on Health and Welfare recommends its adoption.

S.C.R. NO. 12-2: Reporting on House Resolution No. 12-3, entitled, “A House Resolution to commemorate, recognize and congratulate Miss Cherlyn Brel Cabrera on the occasion of her selection by the Northern Marianas Beauty Pageant Association as the

1999 Miss NMI Universe, and for other purposes.” Your Committee on Health and Welfare recommends its adoption.

S.C.R. NO. 12-3: Reporting on House Resolution No. 12-5, entitled, “A House Resolution urgently requesting the Director and Chairman of the Board of Public Lands and the Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands, to deed approximately 6,000 square meters of public land located on Saipan at China Town, Lot. No. 26-13 and Chalan Laolao area, Lot No. 35-1 to Commonwealth Utilities Corporation to construct a water tank reservoir.” Your Committee on Health and Welfare recommends its adoption.

S.C.R. NO. 12-4: Reporting on House Resolution No. 12-7, entitled, “A House Resolution supporting and promoting the efforts and mission of the “First Pacific Islands new Millennium Peace Conference.” Your Committee on Health and Welfare recommends its adoption.

There was no discussion raised. The motion to adopt Standing Committee Report Nos. 12-1, 12-2, 12-3, and 12-4 was carried by voice vote.

Speaker Fitial: The motion carries. We now move to Resolution Calendar.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, if there is no objection from the members, I wish to make a motion for a lump sum adoption on all the resolutions and if any member wishes to debate on any of the resolutions – Thank you, Mr. Speaker.

The motion was seconded.

H. R. NO. 12-2: A HOUSE RESOLUTION TO BESTOW UPON MS. MICHELLE BOYER SABLAN A DISTINGUISHED LEGISLATIVE RECOGNITION ON THE OCCASION OF HER ENTHRONEMENT AND REIGN AS MS. CNMI INTERNATIONAL, 1999-2000, AND FOR OTHER PURPOSES.

H. R. NO. 12-3: A HOUSE RESOLUTION TO COMMEMORATE, RECOGNIZE AND CONGRATULATE MISS CHERLYN BREL CABRERA ON THE OCCASION OF HER SELECTION BY THE NORTHERN MARIANAS BEAUTY PAGEANT ASSOCIATION AS THE 1999 MISS NMI UNIVERSE, AND FOR OTHER PURPOSES.

H. R. NO. 12-5: A HOUSE RESOLUTION URGENTLY REQUESTING THE DIRECTOR AND CHAIRMAN OF THE BOARD OF PUBLIC LANDS AND THE HONORABLE PEDRO P. TENORIO, GOVERNOR OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, TO DEED APPROXIMATELY 6,000 SQUARE METERS OF PUBLIC LAND LOCATED ON SAIPAN AT CHINA TOWN, LOT. NO. 26-13 AND CHALAN LAOLAO AREA, LOT NO. 35-1 TO COMMONWEALTH UTILITIES CORPORATION TO CONSTRUCT A WATER TANK RESERVOIR.

H. R. NO. 12-7: A HOUSE RESOLUTION SUPPORTING AND PROMOTING THE EFFORTS AND MISSION OF THE “FIRST PACIFIC ISLANDS NEW MILLENNIUM PEACE CONFERENCE.

There was no discussion raised. The motion to adopt House Resolution Nos. 12-2, 12-3, 12-5, and 12-7 was carried by voice vote.

Speaker Fitial: All four resolutions are hereby adopted.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENT

The Chair recognized Rep. Jones.

Chairman Jones: Just to inform the members of the Natural Resources and Judiciary and Governmental Operations Committees that notice of the meeting will be issued as soon as all the necessary communications pertinent to the committees are in order. Thank you.

Speaker Fitial: Further announcement? Representative Hofschneider?

Rep. Hofschneider: Yes, Mr. Speaker and members. As tradition also dictates, I would like to get a consensus of the Saipan and Northern Islands Legislative Delegation to convene that we are duly organized sometimes this month if it is possible. I need to get everybody together so that we can have a reserved date aside from the House regular sessions so we can all convene and organize and we have to notify the Governor. We have to also notify the Senate. Thank you.

Speaker Fitial: There is no further announcement, Floor Leader, recognized.

Floor Leader Babauta: Thank you, Mr. Speaker. I move to recess until tomorrow afternoon at 1:30.

The motion was seconded and carried by voice vote.

The House recessed at 11:20 a.m.

Respectfully submitted,

/s/Joan P. Kaipat, Journal Clerk
House of Representatives

SECOND APPEARANCE OF LOCAL BILLS

H. L. B. No. 12-001: To appropriate \$123,000 from the local license fees for pachinko slot machines and poker machines in the First Senatorial District and for other purposes. (REP. ALEJO M. MENDIOLA, JR.)

H. L. B. No. 12-002: To appropriate \$274,000 on the fees collected from Saipan Local Law 11-2 (Poker Machines) and for other purposes. (REP. JESUS T. ATTAO +5)

H. L. B. No. 12-003: To appropriate the \$171,700 on the fees collected from the Bingo, Cockfight and Batu and for other purposes. (REP. JESUS T. ATTAO +5)

H. L. B. No. 12-004: To appropriate \$420,485 from the Mañagaha Island Land Fee and for other purposes. (REP. JESUS T. ATTAO +5)