

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

THIRD DAY

February 16, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Third Day, First Regular Session, 2000, on Wednesday, February 16, 2000, at 1:46 p.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.

Speaker Fitial: Quorum is duly constituted for the Third Day of our First Regular Session.

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

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

The motion was seconded.

Second Day, First Regular Session (02/15/00)

Speaker Fitial: Discussion?

Rep. Hofschneider: Privilege.

Speaker Fitial: Representative Hofschneider?

Rep. Hofschneider: On page 8, I notify the Clerk for the statement of "Speaker Fitial" instead of "Speaker Fitial" it should be "Representative Hofschneider", it is four sentence down.

Speaker Fitial: Yes, I believe the statement was made by you. Clerk, please effectuate the correction, any further disposition? None?

The motion to adopt the Second Day, First Regular Session journal was carried by voice vote.

Speaker Fitial: The motion carries.

PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 11-56: A Bill for an Act to suspend collection of certain taxes for a period of six (6) months; and for other purposes.

Offered by: Rep. Alejo M. Mendiola, Jr. and seven others
Referred to: Committees on Ways and Means and Public Utilities,
Transportation and Communications

H. B. NO. 12-57: A Bill for an Act to repeal and reenact 3 CMC Division 2, Chapter 1, Article 2; to amend Chapter 6 of 3 CMC Division 2, by adding a new section to Mortuaries; to enact new chapters to 3 CMC Division 2 by adding new Chapter 7, through 28 relating to the health of the public; to establish a Division of Environmental Health within the Department of Public Health; and for other purposes.

Offered by: Rep. David M. Apatang and five others
Referred to: Committee on Health and Welfare

H. B. NO. 12-58: A Bill for an Act to appropriate \$800,000.00 from the CNMI Covenant Section 702 CIP Projects; and for other purposes.

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

H. B. NO. 12-59: A Bill for an Act to appropriate \$200,000.00 from the CNMI Covenant Section 702 CIP Projects; and for other proposes.

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

H. B. NO. 12-60: A Bill for an Act to appropriate \$200,000.00 from 4 CMC, Section 1503 to provide funding for the full implementation for the Commonwealth Alcohol and Drug Free Workplace Policy, Personnel system services, rules and regulations ADVISORY; and for other purposes.

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

H. B. NO. 12-62: A Bill for an Act to amend certain provisions of the CNMI Lottery rules and regulations; and for other purposes.

Offered by: Rep. Oscar M. Babauta

Referred to: Committee on

H. B. NO. 12-63: A Bill for an Act to Amend 3 CMC, Section 4340 (d) by adding new subsections (1)(2); and for other purposes.

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

H. B. NO. 12-64: A Bill for an Act to amend Title 8, Article 3 of the Commonwealth Code by adding a new section 1335 to repeal and reenact 8 CMC 1822 (b) and 1829 (a); and for other purposes.

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

H. B. NO. 12-65: A Bill for an Act to amend 6 CMC, Section 2208 to create a new subsection (f) to make members of the Commonwealth Ports Authority Police Enforcement Officers for purposes of the Commonwealth Weapons Control Act; and for other purposes.

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

H. B. NO. 12-66: A Bill for an Act to authorize the Director of the Division of Fish and Wildlife to establish a scuba diving license fee for all scuba divers to obtain prior to perform any diving in the CNMI; and for other purposes.

Offered by: Rep. Thomas B. Pangelinan
Referred to: Committee on

H. B. NO. 12-67: A Bill for an Act to

Offered by: Rep. Dino M. Jones
Referred to: Committee on

H. B. NO. 12-68: A Bill for an Act to authorize government employees, the mothers who have newly born children to have one hour administrative leave for breastfeeding purpose.

Offered by: Rep. Brigida DLG. Ichihara
Referred to: Committee on

H. B. NO. 12-6: A Bill for an Act to amend the Commonwealth Code regarding interest rates on money judgments.

Offered by: Rep. Benigno R. Fitial

Referred to: Committee on

H. L. B. NO. 12-5: A Local Bill for an Act to establish local license fees for pachinko slot machines, poker machines, in the Second Senatorial District; and for other purposes.

Offered by: Rep. Norman S. Palacios
Referred to: Committee on

PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-10: A House Resolution relative to petitioning the United States Congress to include natives of Northern Marianas descent as defined in the Covenant under Section 184 of the Housing and Urban Development to guarantee certain mortgage loans made through eligible native American family.

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

H. R. NO. 12-11: A House Resolution establishing government per diem rate for Representative from Tinian and Rota.

Offered by: Rep. Alejo M. Mendiola, Jr.
Referred to: Committee on

H. R. NO. 12-12: A House Resolution to endorse formation of the Japan and Northern Mariana Islands parliamentary league of friendship, a league to promote a longstanding good will friendship, social economic and cultural bond between the people of Japan and the people of the Northern Mariana Islands.

Offered by: Rep. Norman S. Palacios
Referred to: Committee on

H. R. NO. 12-13: A House Resolution to amend pertinent rules of the House Representatives.

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

MESSAGES FROM THE GOVERNOR

SENATE COMMUNICATIONS

HOUSE COMMUNICATIONS

COMMUNICATIONS FROM THE JUDICIAL BRANCH

COMMUNICATION FROM THE RESIDENT REPRESENTATIVE

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

OTHER COMMUNICATIONS

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the Standing Committee Report No. 12-5, relative to House Resolution No. 12-4 and Standing Committee Report No. 12-6, relative to House Resolution No. 12-9.

The motion was seconded.

S. C. R. NO. 12-5: Reporting on House Resolution No. 12-4, entitled, “A House Resolution for the Division of Public Lands to designate public land Lot No. 33-10 in Gualo Rai for Youth Center and Public Park for Precinct III; and for other purposes.” Your Committee on Natural Resources recommends its adoption.

S. C. R. NO. 12-6: Report on House Resolution No. 12-9, entitled, “A House Resolution to commend and congratulate Mrs. Marian Aldan-Pierce for having been selected the “1999 Businessperson of the Year.” Your Committee on Health and Welfare recommends its adoption.

There was no discussion raised. The motion to adopt Standing Committee Report Nos. 12-5 and 12-6 was carried by voice vote.

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

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

RESOLUTION CALENDAR

The Chair recognized the Floor Leader

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the adoption of House Resolution Nos. 12-4 and 12-9.

The motion was seconded.

H. R. NO. 12-4: A House Resolution for the Division of Public Lands to designate public land Lot No. 33-10 in Gualo Rai for Youth Center and Public Park for Precinct III; and for other purposes.

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”.

There was no discussion raised. The motion to adopt House Resolution Nos. 12-4 and 12-9 was carried by voice vote.

Speaker Fitial: The motion carries.

BILL CALENDAR

None

MISCELLANEOUS BUSINESS

Speaker Fitial: I just want to bring this out, I received a letter from Representative Benavente yesterday, asking me to respond to a letter he received from Chairman Don Young. I have a respond in writing but I just want to share this with you. The questions raised in the letter, concerns the statements which Representative Benavente, as the Speaker of the Eleventh Legislature delivered in front of the Resources Committee Hearing last September, I believe. Representative Benavente is asking me to respond to those inquires, I think fairness, if Representative Benavente would want to have me help him to respond, I would be more than glad to help. But he was the one who made those statements in front of the August Body in Washington, so, I think it is all fair that he respond directly to those inquires. Representative Benavente, you are recognized.

Rep. Benavente: I still believe that the letter from Chairman Don Young is being referred to the Speaker of the House and not necessarily Speaker Diego T. Benavente. And although I made – it refers to my testimony during the last hearing, I still remember that my testimony at the time did not state any specifics about the garment industry and which the questions in the letter from Chairman Don Young, since he point out. And therefore, I do not feel that the letter in any way referring to the statement I made during the last hearing. I think it is merely requesting the present leadership for the information or for those questions to be answered. I also understand that the same question was sent out to all of the individuals who testified in front of the Committee. So, again, that show that Chairman Don Young, I don’t believe is intending for me to respond to that question. I think the intent is clearly for the present leadership of the House. But, if you wish or if Chairman Don Young wishes, I will be more than happy to respond to some of

those questions that are being asked in the letter. Once again, Speaker Fitial, I truly feel that the letter being address to the Speaker of the House and not necessarily to me. Thank you.

Speaker Fitial: Let me just clarify one thing. I did not testify last September. I was there but I did not testify. And one of the questions asks was, “who helped you prepare your testimony?”

Rep. Benavente: If I may, Mr. Speaker?

Speaker Fitial: Go ahead.

Rep. Benavente: I guess that part we can respond to separately. But I think most of the other questions are very specific, on what the Commonwealth, what the leadership here, or what those individuals who testified has as far as taking some of the concerns that were being raised at the time or the Chairman is raising now in his letter. I noticed that, and I think what happened was that, basically that letter was sent out to every individual that testified, the same thing. And as I have said, my testimony was very limited. It didn't get into any specifics. In fact, Tony and I, basically drafted the testimony that we provided to the Congress, so, no one else help me. That, probably we can just write on simple sentence.

Speaker Fitial: I still feel that the inquiry was address to people who testified before Don Young's Committee. So, those questions, I don't know the exact statement or testimony you presented before the Committee. I do not have a copy of your testimony. But it is very clear to me that all those people who where asked to respond to those questions where those people who testified before the Committee. But, if you still insist that I will answer those questions on your behalf because the letter was addressed to you personally. It did not addressed to me because they know that I did not testify before the Committee.

Rep. Benavente: If I may?

Speaker Fitial: Yes.

Rep. Benavente: Once again, I think the question is referring to what this leadership, I would be presently have plans for with regards to some of the questions being raised and that is why I feel that it should be this leadership than to provide the respond. But, Mr. Speaker, if you feel that that letter should be responded by my self than I'll be more than happy to do that. And may be it is more proper that you respond as well if you wish to state your ideas and your plans or your respond to those specific questions. I can send two letters. If you still feel that I should respond to it, I'll be more than happy to do so.

Speaker Fitial: Thank you. Representative Pangelinan?

Rep. Pangelinan: To set a compromise, Mr. Speaker, if no one of you is willing to respond, I am willing to volunteer to respond to this.

Speaker Fitial: I understand that the letter was written by Don Young directly to former Speaker Benavente asking him to answer few questions which were raised during the hearing last September. And, I was not even part of the Legislature at that time, although I was present at that hearing. I wanted to help because Representative Benavente wishes that I also helped out in responding and I don't have to do, do I have to?

Rep. Hofschneider: Yes, definitely. Is that recognition?

Speaker Fitial: Yes.

Rep. Hofschneider: Mr. Speaker, first of all, is that a previous letter? No? Can we get a copy of that? Is the letter written in a way that it is a follow up questions to those who testified in fact?

Speaker Fitial: Yes.

Rep. Hofschneider: Then don't.

Rep. Benavente: If I may?

Speaker Fitial: Yes.

Rep. Benavente: I think it does have that but it also contains other questions that I guess it has been looked into by the Committee on who is involved with what faction and so that is why the question of who prepared this statement or is being asked? I don't think that that question for example is really going to me or to this Legislature because I thought that was pretty clear that it was our staff who worked on that. But, certainly other individuals who made presentation during the time but not just the government officials, or the private sectors or even the other individuals who appeared before the committee that is what they are trying to get. And so, again, that is why I am saying that that particular question being directed to me as the former Speaker. The other questions, I think should be answered by the present leadership on what their plans or how would they be able to answer some of the questions with regards to the garment industry for example. But again, Mr. Speaker, the questions were addressed to me and I'll be more than happy to respond to the questions.

Speaker Fitial: I think I have a better suggestion, since we now have a new leadership let us just consider that letter mood.

Rep. Attao: Mr. Speaker?

Speaker Fitial: Representative Attao?

Rep. Attao: Can we have a copy of that letter so that we will know what is going on?

Speaker Fitial: I will distribute copies of that letter to all the members. So, let us move on.

Rep. Benavente: May I be recognize under privilege?

Speaker Fitial: Under privilege.

Rep. Benavente: Because you suggested that we should treat the letter as mood, I don't think that that would be a good idea, it would be disrespectful to the Chairman. What I would do is respond to the Chairman informing him that the letter should now be addressed to the new Speaker of the House. Thank you.

Speaker Fitial: Thank you. Announcement? Floor Leader?

Floor Leader Babauta: Before we go to the next Item, can I request for a short recess?

Speaker Fitial: Yes. Short recess.

The House recessed at 2:10 p.m.

RECESS

The House reconvened at 2:11 p.m.

ANNOUNCEMENT

The Chair recognized Rep. Jones.

Chairman Jones: Thank you, Mr. Speaker. I would like to inform the members on Natural Resources Committee that the Committee will meet on February 22, Tuesday, 2:30 p.m. at Representative Ichihara's Conference Room. Number 2, Committee on Judiciary and Governmental Operations will meet on February 23, Wednesday, 1:30 p.m. at Representative Ichihara's Conference Room. Number 3, Committee on Natural Resources will meet on February 25, Friday, 1:30 p.m. at Representative Ichihara's Conference Room. Number 4, Committee on Judiciary and Governmental Operations will meet on February 28, Monday, 1:30 p.m. at Representative Ichihara's Conference Room. Thank you, Mr. Speaker.

Speaker Fitial: Representative Peter?

Chairperson Peter: Thank you, Mr. Speaker. Your Standing Committee on Health and Welfare will be conducting public hearing on the bills referred to the Committee on February 29, 1:30 p.m. here in the House Chamber. Thank you.

Speaker Fitial: Representative Bobbie Deleon Guerrero?

Chairman Deleon Guerrero: Yes, Mr. Speaker. Mr. Speaker the Committee on Commerce and Tourism will conduct a public hearing on the introduced House Bill No. 12-39, on Tuesday, February 22, at 1:00 p.m.

Speaker Fitial: Further announcements? I would just like to announce that the request made yesterday by Representative Hofschneider, the Joint Leadership of the Legislature will meet tomorrow afternoon to deliberate on your request and I will advise the House members about the result on the following day. So, there being no further item to discuss on today's agenda. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move to recess until ten o'clock tomorrow morning.

The motion was seconded and carried by voice vote.

The House recessed at 2:20 p.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives