

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

EIGHTH DAY

February 23, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Eighth Day, First Regular Session on Wednesday, February 23, 2000, at 10:45 a.m. in the House Chamber, Capitol Hill, Saipan, 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 members were present.

Speaker Fitial: A quorum is duly constituted for the Eighth Day of our First Regular Session.

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

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

The motion was seconded.

Seventh Day, First Regular Session (2/23/00)

Speaker Fitial: I just want to point out a minor correction but it could also be misconstrued to be a major. On page 7 under Miscellaneous Business, third line at the end of that sentence "Rota's equal", I was referring to Rota's Eco-Tourism Conference. If there is no objection, can we just change that to the proper term?

There was no objection raised.

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

Speaker Fitial: The motion carries.

INTRODUCTION OF BILLS

H. B. NO. 12-92: A Bill for an Act to amend 6 CMC, § 2301(a) (2) increasing the amount of currency brought into the Commonwealth; and for other purposes.

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

H. B. NO. 12-93: A Bill for an Act to amend Public Law 7-38; and for other purposes.

Offered by: Rep. Jesus T. Attao
Referred to: Committee on Judiciary and Governmental Operations & Health and Welfare

H. B. NO. 12-94: A Bill for an Act to amend 1 CMC 8247 (a); and for other purposes.

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

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

None

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-13.

The motion was seconded.

S. C. R. NO. 12-13: Reporting on the Hearing conducted on February 14, 2000, regarding the functions of the Office of Resident Representative to the United States.” *Your Committee on Federal and Foreign Relations recommends that lobbying firm be hired to prevent the passage of S.1052.*

Speaker Fitial: Discussion on the motion? Representative Benavente?

Rep. Benavente: Thank you, Mr. Speaker. First of all, I would like to point out some possible misleading statements on the report first, the fact that during Froilan Tenorio’s Administration, I think as Representative Hofschneider pointed out to me, did not only hired the lobbying from Preston Gate but several others that represented the CNMI from various issues. Also, even up to now, it is not the CNMI government but the private business has in fact retain Preston Gate for the past several months, and in fact has been representing CNMI, and in fact the bill still passed the Senate. So, we can’t misrepresent the facts that it wasn’t that Preston Gate for example, was responsible in not passing the bill in the past, in the Senate, because in the House, it was never been entertained in any of the committees and just recently it is being entertained in the committee. And even with the Preston Gate law being firm representing the CNMI on S.1052, there is also another fact that I wish to point out and that is reality in the National Government or the National Congress. It is being predicted for example, that for the November election, there is a great possibility that the Democrats might take over the majority in the House of Representatives. I know for a fact the relationship with Preston Gate has with some one like Chairman Miller who I would assume would chair the Committee on Natural Resources. And of course, Chairman Miller, being the biggest critic in the House of Representatives that would be not only bad one, but double bad, being represented than by a firm that does not have a good relationship with the Chairman. The other concern that I would like to raise is the fact that, when funds are limited in the past during the Froilan’s Administration, we had the money, I think we would welcome vary assistants like I said, we did not hire one firm but we hired several firms that time was fine because we had the funds for those. Now, as I’ve always said, we actually have to deny students for example, at the College taking summer programs because we ran out of funds under Scholarship Program and we had to reduce the scholarship money for Scholarship Programs. Those are the priorities and we need to look at our priorities. And again, I question the effectiveness because if we can guarantee that by hiring Preston Gate we will prevent the passage of S.1052 than by all means let us do it. But as I’ve pointed out, that is not a guarantee and therefore we need to reconsider our priority and I would disagree that this point in time we support the idea of hiring Preston Gate as a lobbying firm against S.1052.

Speaker Fitial: I just want to make a point of clarification and also correction, the WPEC (Western Pacific Economic Council) who had been paying for Preston Gate to lobby against the Federal takeover the contract between WPEC and Preston Gate was expired on December 31, 1999. Senate Bill 1052 passed the Senate early this month so WPEC and for that matter the Commonwealth government, was not represented by any lobbying firm when S.1052 passed the Senate. In other words, no one is representing the government or our private sector in Washington, D. C., right now, since after last year, December 31, 1999, this is the fact. Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker and members. Whether we hire lobbying firms or not, I think we are getting a stray from the very fact. Yes, we need to fight for it and that is probably the most important question to asks ourselves, do we need to fight off S.1052? And, if it is the case, than the Commonwealth's best interest is to pull the resources whether it be lobbyist, whether it be the very people here, or the very people out in the community? It doesn't have to be a representative of the business sector alone, it is not a representative in general, the feelings of the people to keep the spirit of the Covenant in tack, that is the most important question. If it is the case that we need to have a better representation to fight off any legislation such as S.1052, before us under this resolution, than it is in the interest of the people of the Commonwealth. Whatever it takes, if we have to hire a jumble jet and fly the most eloquent community member to articulate on our behalf because this piece of resolution introduced by Representative Palacios from Tinian is self explanatory and self revealing in itself that we have failed as an elected leaders. Perhaps we have not look elsewhere, look at and listen to the very people who had established the Covenant, they are still alive. They could be lobbyist too. Whether we pay lobbyist in the United States or locally here on island, whether they are representative of the business sector of the government, it should represent the true feelings of the very people that resides here in the Commonwealth, that is the question, that is the most important element of this resolution. It further goes to allude to the oversight hearing of the Resident Representative, Representative Babauta's Office in D. C., by saying the best way to prevent the passage of this type of legislation is to have CNMI leaders present testimonies to the United State Congress. This again, in the Committee Report is expounded to state that it is not an effective way of doing so. Then obviously, this resolution enumerates the failures that we have undertaken so far, why is S.1052 resurrected? Former Speaker Benavente, Representative Benavente, alluded to the fact that even during Froilan's Administration numerous lobbyist, not just one lobbying firm, numerous lobbying firms where hired and where quite effective in stopping any sort of legislation, the fact remains the same. There will be assertiveness from the next members of the U. S. Congress especially when the scale is stiff to work the critics of controlling one House of the U. S. Congress, which makes it more important to raise the question, are we truly representing the feelings of the people of the Commonwealth? And are we articulating it enough to convince the members of U. S. Congress to the spirit of the Covenant when it stated that the CNMI should be self serving local control and economically independent form hand out? We have done that. We have done that in a period of less than twenty years. The old at age, that your asset is your liability, it is in fact true for the Commonwealth. We have operated under Democratic principal and free market enterprise principal, but isn't our asset becoming a liability, Mr. Speaker and members? May be so. And to argue on whether we need to hire a lobbyist, I think it is irrelevant. I think it is quite clear whether we hire the top rank lobbyist in the United States or hire tan Maria and tun Jose when they where concocting the spirit of the Covenant. We needed it, we need to do something and if it is the case to make a point in

Congress than I think that we should all swallow our differences on whether we are going to hire a lobbyist, who ever that lobbyist should be, is a secondary to the most important question that we need to do. Are we to just sit back and force a political change in our political landscape permanently? We are talking about ten thousand to fourteen thousand nonresidents that could have been accelerated or should be qualified within a short period of time to be a permanent residence of the Commonwealth that is the essence. So, if we have to pull our resources and fight, or lobby, or bring tan Maria and tun Jose to the U. S. Congress Chamber and say, “wait a minute”, I think we are wasting a lot time, Mr. Speaker. And arguing whether be Preston Gate or whoever during Froilan Tenorio’s Administration that was hired is a secondary, do we need to do something? And if the current approach is not working, this resolution acknowledges those failures. I think that everyone of us are equally responsible for such, for one degree or another in such specific failures, he needs respect. We should come together and support the resolution whether the Administration will in fact hire a lobbyist and who that lobbyist’s? It is irrelevant, it is a secondary we need to articulate our cost better. And, for that, Mr. Speaker, I would like to – if I may be allowed under the Rules, Mr. Speaker and members, to make it better or more fitting language on page 2 of the Committee Report, second line of the first paragraph, I would like to offer that the sentence should read, “the former Governor Froilan Tenorio’s Administration,” delete the “a” and insert “lobbying firms were hired” instead of “firm, Preston Gates, was” delete it. So, it should read, “In addition, the Committee learned that during the former Governor Froilan Tenorio’s Administration, lobbying firms were hired to prevent the passage of this such legislation and has proven to be effective.” I can’t make that into a motion, Mr. Speaker, until we suspend the specific section to allow oral amendment.

Speaker Fitial: Perhaps, a better suggestion is to specify all the lobbying firms that were hired.

Rep. Hofschneider: I do not have that information, Mr. Speaker, but I know for a fact that there was more than one.

Speaker Fitial: Does Representative Benavente have that information, the names for the lobbying firms other than Preston Gates?

Rep. Benavente: I don’t.

Rep. Hofschneider: I think, Mr. Speaker the point is, it qualifies that the objective in the approach of hiring lobbying firm is critical instead of just one firm.

Speaker Fitial: No, no, no. This is a statement of fact when Governor Froilan Tenorio hired lobbying firm. If there are more than one perhaps we should specify them so that it will be public knowledge.

Rep. Hofschneider: I do not have that information. That is just an offer, Mr. Speaker.

Speaker Fitial: Okay. Representative Jones?

Rep. Jones: I move to the previous question.

The motion was seconded.

Speaker Fitial: There is a motion to end debate and it has seconded by the Vice Speaker and the motion to end debate is not debatable so let us dispose of that motion first.

The motion to end debate was carried by voice vote.

Speaker Fitial: The motion carries. We are now voting on the main motion and that is to adopt the Committee Report. Roll call.

The Clerk called the roll on the motion to adopt Standing Committee Report No. 12-13 as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	no
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. Brigade DLG. Ichihara	yes
Rep. Dino M. Jones	yes
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Norman S. Palacios	yes

Rep. Pangelinan: Mr. Speaker, can I make a comment, if I am permitted?

Floor Leader Babauta: No objection.

Speaker Fitial: Go ahead.

Rep. Pangelinan: I am supporting the fact that we need somebody to be there and protect the best interest of the people. In my possession, I rather see that we hire the Fathers of our Covenant and sent them there to testify, to protect against, maybe along with you and other delegation. But to hire a lobbying firm there, to me, it is not that meaningfulness as when you hire people like the founding Fathers of our Covenant, it is called the last resort. On this measure, I am voting “no”. Thank you.

Rep. Thomas B. Pangelinan	no
Rep. Maria “Malua” T. Peter	yes
Rep. Stanley T. Torres	no
Rep. William S. Torres	abstained
Speaker Benigno R. Fitial	yes

Speaker Fitial: The motion carries. Floor Leader you are recognized.

Floor Leader Babauta: There is a recent development with the author of Senate Bill No. 12-19 as it reflects on the Calendar under Standing Committee Report No. 12-14. I wish to withhold

adoption at this point in time until a resolution has been resolve with respect to the issues involved in the context of Senate Bill No. 12-19.

S. C. R. NO. 12-14: Reporting on Senate Bill No. 12-19, entitled, “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 interest 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 proposers may stand by their existing proposals for purposes of project award; to expressly authorized project award and negotiation of a contract based on existing proposals; and for other purposes.” *Your Committee on Public Utilities, Transportation and Communications recommends its passage in the form of S. B. No. 12-19, H. D. 1.*

Speaker Fitial: That means we are not going to take up anything under the Bill Calendar?

Floor Leader Babauta: Yes.

Speaker Fitial: Okay, if that is the case, let us proceed down to Miscellaneous.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

None

BILL CALENDAR

S.B. 12-19, HD1 – Energy Sufficiency Assurance Act [see SCR 12-14]

MISCELLANEOUS BUSINESS

The Chair recognized Rep. Tony Camacho.

Rep. A. Camacho: Thank you, Mr. Speaker. I have a very short remark. For the first time I agreed with the statement made by Representative Hofschneider on the takeover issue with the Standing Committee Report even though he doesn't vote for the adoption but he put a good point that we need a lobbyist firm there. Thank you.

The Chair recognized Rep. Rosiky Camacho.

Rep. R. Camacho: Mr. Speaker, there is a question in regards to that Committee Report. Is it possible that Preston Gates have contacted also the other lobbying firms? I know you might not have the answer but is that due to the reason that there are some subcontracted and their names never been reflected in public knowledge?

Speaker Fitial: Can you restate your miscellaneous?

Rep. R. Camacho: No, it is just an information that I am trying to respond to Preston Gates and it never been reflected that there are many others, but they are all subcontracted. So, when you are the firm contractor, you don't have to release who is doing all others? Just like tan Maria and Pop, we could have Preston Gates and you have tan Maria on the other side, but you never have to reflect it on your report that tan Maria is on the other side. That is what am I trying to allude to to my question.

Speaker Fitial: Okay. Let us stick to the Miscellaneous. Representative Jones?

Rep. Jones: I just want to state my share on the earlier topic on federal takeover that the system we are dealing with is a political process and just like in this Legislature, it is the numbers that counts and it is the voters that makes the difference in that particular jurisdiction. Because it is a political process and it is not a judicial process, and the facts are not included, and the history shows that we have been united from the very beginning against it, yet, it could be misconstrued, be against us simply because we are not part of that jurisdiction to make our self make known. So, what tool do we have? Economics, to help those who are part of that political process, make possible of our wishes and Froilan Tenorio's Administration, made that possible. Thank you.

Speaker Fitial: Further miscellaneous? Representative Hofschneider?

Rep. Hofschneider: This is truly a miscellaneous, Mr. Speaker, that is the essence of legislative process. We should exhaust debates and discussions not wait until we get down to miscellaneous and you go back to stating the very view that we had passed. This is not parliamentarian. Miscellaneous should have been to adhere to – however, I respect the control of the leadership whenever they want to end debate but it is exhibiting some clause in parliamentary procedures within this House. And next time, all I ask is that helpfully debate and support a good piece of legislation such as the resolution that Representative Palacios introduced. I wanted it to be all in good, it strengthen the essence of a lobbying firm. Thank you.

Speaker Fitial: You know the joint resolution that was passed by the U. S. Congress relative to the establishing of the Political Union between the Northern Mariana Islands and the United States, a famous document called Covenant, look at those WHEREAS' because I believe that some members of the U. S. Congress, they must have seen those WHEREAS', they must have read those WHEREAS', but they don't want to believe that those WHEREAS' exists. So, this is the point that Representative Hofschneider was alluding to. We need to do something. We cannot just sit back and let the United States take back what they have given us in exchange of what we have given them. We now find ourselves holding on to the very small part of the stick that we started out holding. It was too advantage in the beginning, now, we find our selves being under mind. I wish Martin Luther King was still alive because I would have ask all of you to consider hiring him as our lobbyist. Just put food for the day.

Rep. Pangelinan: Excuse Mr. Speaker, can I -- ?

Speaker Fitial: Representative Pangelinan, go ahead.

Rep. Pangelinan: I just verified from my left side, that Miscellaneous is anything you wish to accomplish. In that mind, I request your outmost support, Mr. Speaker, in trying to consider hiring one more legal counsel. These two professionals most of the time they're over worked and we need their support. However, I think one more legal counsel will provide some sufficiency and efficiency for another equal distributions of support for each of us and for all of us. Number two, Mr. Speaker, I would like for you to really consider creating another Standing Committee and this Committee should be named, "Youth and Sports". Number three, Mr. Speaker, I am very serious when I tossed up to this outmost body to reconsider part of that lobbying firm, may be local lobbying firm to get some of our founding Fathers of the Covenant to testify before Washington, D.C., and if I can introduce any measure to include that, I am willing to. Thank you.

Speaker Fitial: The last one is very good.

Rep. Pangelinan: For what is worth, Mr. Speaker, that, I have submitted to you.

Speaker Fitial: I urge you to get together with the legal counsel and see if we can draw up something to that effect.

ANNOUNCEMENTS

None

The Chair recognized the Floor Leader.

Floor Leader Babauta: I move to recess until tomorrow morning at 10:00.

The motion was seconded and carried by voice vote.

The House recessed at 11:20 a.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives