

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

FIFTEENTH DAY

March 03, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Fifteenth Day, First Regular Session, on Friday, March 03, 2000, at 11:33 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), seventeen members were present and Representative Maria “Malua” T. Peter was excused.

Speaker Fitial: Representative Peter is excused and she is still on her way to Kosrea to attend the PREL Conference.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

H. B. NO. 12-122: A Bill for an Act to establish a Special CIP Account for Precinct III; and for other purposes.

Offered by: Rep. Jesus T. Attao and two others

Referred to: Committee on Ways and Means

H. B. NO. 12-123: A Bill for an Act to increase fresh water supply through water catchment system; and for other purposes.

Offered by: Rep. Rosiky F. Camacho and five others

Referred to: Committee on Public Utilities, Transportation and Communications

H. B. NO. 12-124: A Bill for an Act to appropriate Eight Hundred Thousand Dollars (\$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 Ways and Means

H. B. NO. 12-125: A Bill for an Act to designate Kagman III, Phase IV, Section 011 G, Lot 1321 as a wildlife sanctuary; and for other purposes.

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

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-27: A House Resolution to widen the road in San Vicente from PL's Store to the Lau Lau Bay Market.

Offered by: Rep. Martin B. Ada
Referred to: Committee on Judiciary and Governmental Operations

H. R. NO. 12-28: A House Resolution relative to petitioning the Board of Public Land to issue permits for village homestead lots in the Northern Islands pursuant to Public Law 1-42; and for other purposes.

Offered by: Rep. William S. Torres and thirteen others
Referred to: Committee on Natural Resources

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, if there is no objection from the members, I move to refer back to the Committee on Education, Standing Committee Report No. 12-29.

S. C. R. NO. 12-29: Reporting on House Bill No. 12-36, entitled, “To establish allocation formula for an appropriation of funds to the public schools in the CNMI; and for other purposes.” And House Bill No. 12-37, entitled, “To support a Village-Based Education for the CNMI Public School System; and for other purposes.” *Your Committee on Education recommends that House Bill Nos. 12-36 and 12-37 be filed by the House.*

There was no objection raised.

Speaker Fitial: So ordered. Standing Committee Report No. 12-29 is now back to the Committee on Education.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Thank you. I now move for the adoption of Standing Committee Report No. 12-30, relative to House Bill No. 12-7, H. D. 1.

The motion was seconded.

S. C. R. NO. 12-30: Reporting on House Bill No. 12-7, entitled, “A Bill for an Act to amend 6 CMC, Sections 1322 and 1323; and for other purposes.” *Your Committee on Health and Welfare recommends passage in the form of H. B. NO. 12-7, H. D.1.*

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-30 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-30 is hereby adopted. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-31, relative to House Resolution No. 12-16, H. D. 1.

The motion was seconded.

S. C. R. NO. 12-31: Reporting on House Resolution No. 12-16, entitled, “A House Resolution requesting the Governor and the Secretary of Public Works to construct an ‘overpath walkway’ between Mary’s Bakery and Hopwood Jr. High School in Chalan Piao.” *Your*

Committee on Judiciary and Governmental Operations recommends adoption in the form of H. R. NO. 12-16, H. D.1.

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-31 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-31 is adopted.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the adoption of House Resolution No. 12-16, H. D. 1.

The motion was seconded.

H. R. NO. 12-16, H. D. 1: A HOUSE RESOLUTION REQUESTING THE GOVERNOR AND THE SECRETARY OF PUBLIC WORKS TO CONSTRUCT AN ‘OVERPATH WALKWAY’ BETWEEN MARY’S BAKERY AND HOPWOOD JR. HIGH SCHOOL IN CHALAN PIAO.

There was no discussion raised. The motion to adopt House Resolution No. 12-16, House Draft 1, was carried by voice vote.

Speaker Fitial: House Resolution No. 12-16, House Draft 1, is adopted.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the suspension of Rule IX, Sections 9 and 10, for the passage of House Bill No. 12-7, House Draft 1.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I now move for the passage of House Bill No. 12-7, H. D. 1, on First and Final Reading.

The motion was seconded.

H. B. NO. 12-7, H.D.1: A BILL FOR AN ACT TO AMEND 6 CMC, SECTIONS 1322 AND 1323; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Attao?

Rep. Attao: Thank you, Mr. Speaker. First, I would like for the Floor Leader to offer the suspension of Rule, Rule IX, Section 11 so that I can offer my oral floor amendment on page 2, line item 4.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: I so move for the suspension of Rule IX, Section 11.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Representative Attao, recognized.

Rep. Attao: Thank you, Mr. Speaker. On page 2, line item 4, I would like to offer an oral floor amendment to strike out “or accompanied by an adult”.

The motion was seconded.

Speaker Fitial: Which line?

Rep. Attao: Page 2, line item 4, “No admittance unless 18 years old or accompanied by and adult.”

Speaker Fitial: I think you are referring to line 6, Representative Attao.

Rep. Attao: No. Are we discussing House Bill No. 12-7, Mr. Speaker?

Speaker Fitial: Yes, House Draft 1.

Rep. Attao: I withdraw that oral floor amendment, Mr. Speaker, because House Draft 1 has already stricken-out “or accompanied by an adult”.

Speaker Fitial: So, your concern is well taken care of?

Rep. Attao: Well taken care of. Thank you.

Speaker Fitial: Anyway, the suspension motion is still in order. Representative Hofschneider?

Rep. Hofschneider: Just a thought, Mr. Speaker, to share with the members. On page 2, line 5, I can understand the Constitution talks about the three official languages of the Commonwealth, but for the purposes of commercial activity or business activity, this Bill intends to include Japanese, Korean, Chinese and Tagalog. I recalled, Mr. Speaker, couple of years ago, Saipan Chamber of Commerce conducted one of their regular meetings, they were talking about the unsightly signage that preempts the three official languages of the Commonwealth and they emphasis on Japanese or Chinese character that is not translated with English or Chamorro or Carolinian language, this does not necessarily correct that problem. For instance, the Chamber of Commerce made a very strong position about the signage in front of the Dai Ichi Hotel and Hyatt Hotel areas, where majority of tourists just have walking access to those establishments, but it is unsightly for the businesses to just put a big sign in Chinese character, or in Korean character, or in Japanese character, that nobody understands particularly the locals when they're also patronizing the businesses. For the purposes of ensuring proper conduct of businesses, I think, Mr. Speaker, that we should limit it to just the three official languages in the emphasis of any signage then subtitle it with whatever foreign languages that the business may in fact want to do to attract more patrons. One of the reason for this is, there have been a lot of crack downs and acupunctures that do not only acupuncture but also abortion for instance. And also, businesses that do not have necessarily the business license or authorization to sell from a cuticles, but however, small signs were in place in their window on their shops that is foreign all three languages, all three people here in the Commonwealth, it is very difficult for enforcements also to ensure follow ups in these establishments without the government procuring someone who can read, and write, and can understand Chinese, or Korean, or Japanese. It is appropriate that we limit English, Chamorro and Carolinian as the primary language of characters or signage if the intention is appropriate. And, maybe with sub-characters or sub-signage if the intention is appropriate, and maybe with sub-characters or sub-signage permitting Japanese, Korean and other foreign languages to be use. It is cumbersome it is difficult to enforce the regulations or the laws of the Commonwealth if the emphasis does not have preemption of the recognized Constitutional languages of the Commonwealth. That is my contention, Mr. Speaker, but if otherwise, the members feel that the language as provided in page 2 is sufficient to make sure that the business establishment merely spell out in English, Chamorro, Carolinian, primarily then I remain in support of the bill. Otherwise, I still feel that this has to be corrected so that the emphasis – we do not prohibit the usage of foreign languages for commercial purposes or signage – but the emphasis should be consistent with the Constitution of the Commonwealth, English, Chamorro and Carolinian. Thank you.

Speaker Fitial: Further deliberation?

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Thank you. In line with, Representative Hofschneider, Mr. Speaker, recently the Legislature enacted a legislation and eventually became law – my collection served me well that it was authorized by former Vice Speaker Attao – I wonder from the legal counsels point of view, whether or not line 5 is in line with that previously enacted law that authorizes Department of Commerce to enforce business signs, whether it be foreign that has to be rewritten into a readable language which is imprinted in our Constitution, Chamorro, English and

Carolinian. But, Mr. Speaker, that particular law stated that all businesses signs must also have an English translation of that particular business. I am just wondering from the legal standpoint, whether or not line 5 is consistent with that previously enacted law? If there is no objection, Mr. Speaker, from the member, may I allow the counsel to –

There was no objection raised.

Speaker Fitial: There is no objection. Let us resolve into the Committee of the Whole to allow the counsel to respond to the Floor Leader's request.

The House resolved into the Committee of the Whole at 11:48 a.m.

COMMITTEE OF THE WHOLE

The House dissolved back to plenary session at 11:58 a.m.

Speaker Fitial: We are now back to the plenary session. We are still on the discussion of House Bill No. 12-7, H. D. 1.

Rep. Hofschneider: Just one question?

Speaker Fitial: Just one question, recognized.

Rep. Hofschneider: I believe in the Commonwealth Code, there is a proper definition of a merchant, why are we redefining merchant here? This is an entirely new amendment to it, and I don't recall what was that and what was not. In section (f) page 1, line 16.

Speaker Fitial: Is this a new definition of a merchant or redundant?

Rep. Hofschneider: The virtue of its written form, Mr. Speaker, it is stating that it is an amendment.

Speaker Fitial: Well, does any member have any concrete response?

Rep. Hofschneider: For instance, has there been previous definition, Mr. Speaker, of any agent or broker that was not included in the Code apparently under merchant or representative of such?

Speaker Fitial: Let us go back to the Committee of the Whole for that very important question.

The House resolved into the Committee of the Whole at 11:59 a.m.

COMMITTEE OF THE WHOLE

The House dissolved back to plenary session at 12:01 p.m.

Speaker Fitial: We are back to the plenary session. More discussion? If none, roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-7, House Draft 1, 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	yes
Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Heinz S. Hofschneider	yes
Rep. Brigade 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	excused
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-7, House Draft 1, passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Mr. Speaker, we are down to Miscellaneous and Announcement.

Speaker Fitial: What happened to House Bill No. 12-73?

Floor Leader Babauta: Mr. Speaker, some of the members, co-author otherwise, looked at House Bill No. 12-73, requested to defer action awaiting comments from effected agency. So, if there is no objection, Mr. Speaker, I move to defer action until probably we get the comment by Monday or Tuesday.

Speaker Fitial: Discussion on the deferral? None?

The motion to defer action on House Bill No. 12-73 was carried by voice vote.

Speaker Fitial: House Bill No. 12-73 is hereby deferred.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

The Chair recognized Rep. Rosiky Camacho.

Chairman Rosiky Camacho: Reminder that on Monday is our PUTC Committee meeting at 8:00 a.m., please be there for the PUTC Committee in regards to telecommunication.

The Chair recognized Rep. Deleon Guerrero.

Chairman Deleon Guerrero: Yes, Mr. Speaker. For the Committee on Commerce and Tourism, we have a meeting at 1:30 p.m. today, so be there please. Thank you, Mr. Speaker.

The Chair recognized Rep. Ichihara.

Chairwoman Ichihara: Yes, the Health and Welfare Committee meeting will be on Tuesday, at 1:30 p.m. and also the Education Committee at 8:30 in the morning same day, Mr. Speaker, Tuesday. And may I ask for a special gathering for the Education Committee this afternoon at 1:30, please.

Speaker Fitial: Further announcements? Representative Hofschneider?

Rep. Hofschneider: I guess more in line, Mr. Speaker, with the Miscellaneous Item. I received this in my box, I don't know if the rest of the members receive, this is the outer cove marina – here we go again. It is kin a lengthy letter and it is citing Public Auditors findings in the outer cove marina and it is important for Natural Resources Committee to receive this and take a look at it. For instance, Mr. Speaker, in the letter here, they are citing the report of the Public Auditor that the outer cove marina was constructed beyond budget and do to lack of planning, which now translates possibly and potentially a fee that is unnecessarily burdening the boat owner and the outer cove marina. So we opt to take a look at it and perhaps take some action one way or the other, either help the marina or help the boaters.

Speaker Fitial: Did the other members receive the letter?

Floor Leader Babauta: Yes, Mr. Speaker.

Speaker Fitial: I haven't seen that myself.

Rep. Hofschneider: I am going to submit it under Miscellaneous Business.

Speaker Fitial: So, if you don't mind, can you refer that under Natural Resources Committee?

Rep. Hofschneider: I'll submit it as a document under Miscellaneous and received by the members.

Speaker Fitial: So, I would like to refer that to the Natural Resources Committee for further study.

Chairman Jones: Mr. Speaker, the Committee received a copy of that and we have a meeting with three representatives that are affected by the propose fee structure and last week Friday, there was a meeting of all those parties involved as well as the Natural Resources. And that meeting was to get input from those involved parties. The Secretary of Natural Resources is

off-island and upon his return we will be having meeting to review the input from that Public Hearing.

Speaker Fitial: So you are looking into that already?

Chairman Jones: Yes.

Rep. Hofschneider: May I make a suggestion, Mr. Speaker?

Speaker Fitial: Proceed.

Rep. Hofschneider: May I make a suggestion that we also explore other means of relieving the dispute not on the legal side of the district, but to resolve the economics of the outer cove marina. I think we all support that fact that the outer cove marina plays an important role in the tourism industry and it is a much needed infrastructure. So, let us explore about ways in refinancing it or buying it back using CDA for instance, or other agencies, CPA. Let us explore those options.

Speaker Fitial: Well since the Committee is now looking into it and they are awaiting comments from concern parties. Would you care to also submit your professional opinion or comment to the Committee?

Rep. Hofschneider: I can submit my comments, Mr. Speaker, not as a professional.

Speaker Fitial: Well, personal.

Rep. Hofschneider: personal.

Floor Leader Babauta: Mr. Speaker, are we in Miscellaneous or both?

Speaker Fitial: We are very close to the end.

Floor Leader Babauta: Thank you. This mornings article, the front page of Marianas Variety newspaper, I was just reading the headline and it has to deal with Japan Airlines decreasing their airfare from Japan to Saipan. I would like to take this opportunity to applaud the carriers moves to drop its airfare, this will eventually augment the declining tourism arrival in the Commonwealth. I hope that other carriers follow sued not only to drop their fairs, but primarily Continental Air Micronesia can move in again and see what they can do to improve markets out of Japan to the Commonwealth. Thank you.

Rep. Hofschneider: Mr. Speaker, may I make another suggestion?

Speaker Fitial: Representative Hofschneider, I would like to recognize, Representative DLGuerrero.

Rep. DLGuerrero: Mr. Speaker, I was reading the same thing as the Floor Leader – I suggested on my own as the Chairman on the Committee on Commerce and Tourism to put up a letter to the newspaper or whatever, to congratulate Japan Airline for doing that and as well as enticing the other airlines so that they can cooperate and do the same promotion for our islands. That's all.

Speaker Fitial: Representative Hofschneider?

Rep. Hofschneider: Mr. Speaker, can I ask the indulgence of this Eleventh Legislature, that whenever we see something positive --

Speaker Fitial: We are now in the Twelfth Legislature.

Rep. Hofschneider: Something positive like this, that we do something different, let us recognize them. Let us make them feel good that we in the government, at least in the Legislature, we recognize them through a Resolution – call them in – and we will do our part to make them more part of this community and we acknowledge their contribution and we are here to assist them not to go against them. I think we should start something – maybe from the Speaker Office, a trophy for every good deed that a business out there does for this community. Like – a lot of handsome heroes out there in the business community that contribute for little leagues, for whatever projects and it goes unnoticed, Mr. Speaker, and I think it is time to do something on behalf of the Twelfth Legislature that we give a plaque that is hard to get, you have to do something that is well worth the communities benefit and that we recognize them and give them that acknowledgement.

Speaker Fitial: I have a panel announcement to make, we adopted a Resolution a week ago inviting the Japan legal of Friendship together with JEPA (Japan Entrepreneurial President's Association) so today, we received response from both organizations positively responding to the intent of the Resolution and the Chairman of the legal friendship by the name of Yamashita is a member of the Japan Diet and he will be coming to Saipan together with the Chairman of JEPA in response to that Resolution. We will be preparing a reception for these people because they are interested as they indicated in the letter to discuss business opportunities with us. So, they will be arriving on March 16 and I intent to invite the General Manager of Japan Airline and also the Japan Council, and also

Rep. Hofschneider: The lonely eight on this isle.

Speaker Fitial: No, no, no, this is our function. This is the House function. So, this is a very positive response. Just this morning, twelve businessmen from Korea for the first time, they came to Saipan and we met this morning at 10:00, they are very interested in establishing businesses here, here in the Commonwealth. So, with what this House is doing to entice more businesses and investments into the Commonwealth, I think we stand to benefit, a great deal to the people from all of these efforts. So, yes, I have already included the Japan Airline to be part of that reception when these people arrive. I will be distributing these correspondences to all of you to know exactly when they will be arriving and when we will be entertaining or receiving them. Representative Jones?

Rep. Jones: Mr. Speaker, the recognition and appreciation to Japan Airlines is being drafted, the Resolution. Thank you.

Speaker Fitial: No further announcements?

Floor Leader Babauta: One short one, Mr. Speaker.

Rep. Pangelinan: One more.

Speaker Fitial: One more. Floor Leader, before your last announcement, I would like to recognize, Representative Pangelinan for his one announcement.

Rep. Pangelinan: Thank you. The Saipan Major League will open tonight for its year 2000 season and every one of you is invited. It is very important in sports because sport teaches us how to win victoriously and how to loose gracefully. So, be there at 6:00 p.m.

Speaker Fitial: I forgot also to announce that we are all invited on Sunday. The Little League will open on Sunday at 9:00 a.m. in San Vicente Baseball Field. So, all of us are being invited. So, like Representative Pangelinan said, let us go out there and see also our young kids compete victoriously. Floor Leader, with you last announcement.

Floor Leader Babauta: Yes, Mr. Speaker. Just to inform the members that there will be a Resolution presentation on Monday's session and that would be at ten o'clock on Monday morning. The Resolution is authored by Representative Lee Torres and co-sponsor by the majority of the members. So just to inform the members.

Speaker Fitial: Is Representative Lee Torres aware of that?

Floor Leader Babauta: Yes, Mr. Speaker. He coordinated with me.

Speaker Fitial: Yes, just for advance planning purposes, we will be having a session in Rota this coming Friday. So, we hope that nobody will be ill. Please, make necessary arrangement – Representative Pangelinan is willing to help those who find it difficult to go down to Rota.

Rep. Apatang: What time is the session?

Speaker Fitial: The session will be at 1:30 p.m. It will be at the place where we will have a duplicating machine readily available. It is going to be at Sunset Villia. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move to recess until tomorrow morning at 9:00 a.m.

The motion was seconded and carried by voice vote.

The House recessed at 12:17 p.m.

Respectfully Submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives