

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

TWENTY-SEVENTH DAY

March 17, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Twenty-Seventh Day, First Regular Session, on Friday, March 17, 2000, at 2:26 p.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, Section 2(a), all eighteen members were present.

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

ADOPTION OF JOURNALS

None

PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 12-148: A Bill for an Act to amend 1 CMC, Section 7708; and for other purposes.

Offered by: Rep. Antonio M. Camacho
Referred to: Committee on Ways and Means

H. B. NO. 12-149: A Bill for an Act to amend Subsection 2 of Section 2 of Public Law 11-43; and for other purposes.

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

PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-37: A House Resolution to fully support and promote the establishment of youth programs throughout the villages of the Commonwealth.

Offered by: Rep. Martin B. Ada and sixteen others
Referred to: Committee on Health and Welfare

H. R. NO. 12-38: A House Resolution to congratulate and commend Ms. Elaine Marie Leilani A. Cabrera who has recently graduated from Chaminade University, Honolulu, Hawaii.

Offered by: Rep. Florencio T. DL Guerrero and five others
Referred to: Committee on Health and Welfare

MESSAGES FROM THE GOVERNOR

None

SENATES COMMUNICATIONS

Sen. Comm. 12-21: Returning with amendment House Joint Resolution No. 12-5 (Unkai Distillery) which was adopted by the Senate in the form of HJR 12-5, SD1 on March 15, 2000. [For action on Senate amendment]

Sen. Comm. 12-23: Returning House Bill No. 12-83, HD1, (CIP Priorities in the First Senatorial District), which the Senate passed without amendment on March 10, 2000. [Will go to Governor]

Sen. Comm. 12-24: Returning House Bill No. 12-94 (Compensation: Municipal Council) which the Senate passed without amendment on March 10, 2000. [Will go to Governor]

Sen. Comm. 12-25: Returning House Joint Resolution No. 12-2 (Request US DOT to grant Foreign Aircraft Permit to Armenian Airlines) which the Senate adopted without amendment on March 10, 2000. [For inf.]

Sen. Comm. 12-26: Transmittal of Senate Bill No. 12-1, SD1, entitled, “To amend 2 CMC §§ 4302 (a)(2) and 4308 to create a waiver of the homestead residential dwelling construction requirement for periods when public utilities are not available; to amend 2 CMC § 4303 (c) to permit otherwise qualified off-island students, armed forces members and their accompanying spouses to acquire rights to a homestead; and for other purposes,” which the Senate passed on March 10, 2000. [**Referred to Committee on Natural Resources**]

Sen. Comm. 12-27: Transmittal of Senate Bill No. 12-50, entitled, “To protect, conserve and prohibit the hunting of the Commonwealth Bird (tottot) defined in 1 CMC § 233; and for other purposes,” which the Senate passed on March 10, 2000. [**Referred to Committee on Natural Resources**]

Sen. Comm. 12-28: Transmittal of Senate Bill No. 12-56, entitled, “To amend the Medical Practice Act (3 CMC § 2201 et seq.) to provide for the licensing of foreign doctors; to promote the establishment of retirement communities in the Commonwealth; and for other purposes,” which the Senate passed on March 10, 2000. [**Referred to Committee on Health and Welfare**]

Sen. Comm. 12-29: Transmittal of Senate Bill No. 12-57, S.D.1, entitled, “To amend subsection 2671(a), 2673(a), 2673(b), 2673(d), and 2673(e), Article 3 of Public Law No. 10-57 (Lands and Natural Resources Act of 1997) as amended; and for other purposes,” which the Senate passed on March 10, 2000. [**Referred to Committee on Natural Resources**]

Speaker Fitial: We have Senate Communication 12-21 –

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, if there is no objection, I wish to place Senate Communication 12-21, reference House Joint Resolution No. 12-5, on Item No. 15 of the Agenda.

There was no objection raised.

Speaker Fitial: So ordered. Senate Communication 12-26 is assigned to Natural Resources Committee so as Senate Communications 12-27 and 12-29. All three Senate Communications are assigned to Committee on Natural Resources. Senate Communication 12-28 is assigned to the Committee on Health and Welfare.

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

Wash. Rep. Comm. 12-1: Regarding the PCB issue in Tanapag.

There was no discussion raised.

COMMUNICATIONS FROM THE DEPARTMENTS & AGENCIES

None

OTHERS 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 Nos. 12-63, 12-64, 12-65, 12-66, 12-67, and 12-68.

The motion was seconded.

S. C. R. NO. 12-63: Reporting on House Bill No. 12-1, entitled, “A Bill for an Act to make appropriations and activities of the CNMI Government and its instrumentalities, and for other purposes;” House Bill No. 12-25, entitled, “To appropriate Three Million Five Hundred Thousand Dollars (\$3,500,000.00) in fiscal year 2000 for Scholarship Program and for other purpose;” and, House Bill No. 12-28, entitled, “To appropriate Two Hundred Fifty Thousand Dollars (\$250,000.00) in Fiscal Year 2000 for Tanapag PCB/Agent Orange and for other purpose.” *Your Committee on Ways and Means recommends that House Bill No. 12-25 and House Bill No. 12-28 be filed by the House and that House Bill No. 12-1 be passed in the form of H.B. 12-1, C.S.1, on First and Final Reading.*

S. C. R. NO. 12-64: Reporting on Senate Bill No. 12-24, SS1, entitled, “A Bill for an Act to amend 1 CMC § 2152, concerning qualifications of the Attorney General, to conform with Article III, Section 11 of the Commonwealth Constitution; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends that the Bill be passed by the House on First and Final Reading.*

S. C. R. NO. 12-65: Reporting on Senate Bill No. 12-40, entitled, “A Bill for an Act to provide one year vested service credit in the Retirement Fund for every two years of service on Commonwealth government boards and commissions.” *Your Committee on*

Judiciary and government Operations recommends that the Bill be passed by the House on First and Final Reading.

S. C. R. NO. 12-66: Reporting on Senate Bill No. 12-42, entitled, “A Bill for an Act to clarify the duties and limits of liability of the Director of Public Lands; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends that the Bill be passed by the House on First and Final Reading.*

S. C. R. NO. 12-67: Reporting on House Bill No. 12-74, entitled, “A Bill for an Act to amend section 4201, 6 CMC, Division 4, Chapter 2, and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of the Bill.*

S. C. R. NO. 12-68: Reporting on House Resolution No. 12-35, entitled, “A House Resolution to request Marianas Cable Vision (MCV) to expedite the complete installation of cable service for all housing development in Kagman III.” *Your Committee on Public Utilities, Transportation and Communications recommends passage of the Bill.*

Speaker Fitial: Discussion? Representative Attao

Rep. Attao: Mr. Speaker, on Standing Committee Report No. 12-66, this is relative to House Bill No. 12-1, “Appropriation for Fiscal Year 2000”. Mr. Speaker, I am not trying to be disrespectful to our good Chairman; however, Mr. Speaker, pursuant to Public Law 3-68, Section 103, subsection (e), I will strongly recommend that before we that before we adopt the Committee Report, I ask the Chair to introduce a House Concurrent Resolution establishing the resources for Fiscal Year 2000, and that is call under Public Law 3-68.

Rep. A. Camacho: Mr. Speaker?

Speaker Fitial: Representative Tony Camacho?

Rep. A. Camacho: Mr. Speaker, I would presume that Eleventh Legislature had already passed the Resolution accepting the resources as submitted by the Governor.

Speaker Fitial: Well, let us not presume, let us ask Representative Attao?

Rep. Attao: Yes, the Eleventh Legislature did passed the Concurrent Resolution, however, that Resolution died at the Senate. So, it is a normal procedure that we have to follow by introducing a new House Concurrent Resolution to reflect the Twelfth Congress.

Speaker Fitial: Very interesting.

Rep. Attao: Mr. Speaker, if I may offer the Chair to introduce this resolution so that we can expedite, if there’s no objection.

Speaker Fitial: That is true. It is a standard operating procedure that before any Appropriations Act is introduced, especially appropriating funds to provide for the operations of the government on a fiscally basis shall be followed by the introduction and adoption of a concurrent resolution memorializing revenues for the fiscally act.

Rep. A. Camacho: Thank you, Mr. Speaker. I applaud the veteran, the previous Ways and Means Chairman for giving us a very good solution to the situation. So, if I am in order –

Speaker Fitial: Proceed -- if there is no objection, can we then go back to Item No. 4 to allow the Chairman on Ways and Means Committee to introduce the appropriate concurrent resolution.

There was no objection raised.

PREFILED AND INTRODUCTION OF RESOLUTIONS

Speaker Fitial: You may proceed.

Rep. A. Camacho: Thank you, Mr. Speaker. A House Concurrent Resolution to approve revenues and resources of the Commonwealth of the Northern Mariana Islands as identified by the Governor in compliance with Article III, Section 9(e) of the Constitution as amended, and 1 CMC, Division 7 for Fiscal Year 2000 beginning on October 01, 1999 and ending on September 2000.

H. C. R. NO. 12-1: A House Concurrent Resolution to approve revenues and resources of the Commonwealth of the Northern Mariana Islands as identified by the Governor in compliance with Article III, Section 9(e) of the Constitution as amended, and 1 CMC, Division 7 for Fiscal Year 2000 beginning on October 01, 1999 and ending on September 2000.

Speaker Fitial: Floor Leader, can you effectuate a suspension motion so that we can have the just introduced House Concurrent Resolution to be placed on today's Calendar for adoption?

Floor Leader Babauta: Mr. Speaker, I move for the suspension of Rule VII, Section 9 for the placement and adoption of House Concurrent Resolution on Item No. 15.

The motion was seconded and carried by voice vote.

Speaker Fitial: House Concurrent Resolution No. 12-1 is now on the Resolution Calendar for adoption.

REPORTS OF STANDING COMMITTEES

Speaker Fitial: We are back to Item No. 12 on the main motion to adopt Standing Committee Report Nos. 12-63 all the way through 12-68. Representative Tony Camacho?

Rep. A. Camacho: Mr. Speaker, on the Standing Committee Report, I would to just make a minor amendment, just a typo error. On page 2, line 2, between “are” and “fill” there should be a word there, “not”.

Speaker Fitial: You are inserting a word?

Rep. A. Camacho: Not, “not”.

Speaker Fitial: If no objection –

There was no objection raised.

Speaker Fitial: Insert the word “not” between the words “are” and “filled” on the second page of the Standing Committee Report. Further discussion on the adoption...

Rep. Pangelinan: Mr. Speaker?

Speaker Fitial: Representative Pangelinan?

Rep. Pangelinan: I am quite concern on Standing Committee Report No. 12-65. This Bill sort of segregates the Board of Education members from earning opportunities as outlined in this Bill, because Board of Education members are elected members.

Rep. Hofschneider: Point of clarification, Mr. Speaker. I’m sorry Tom.

Speaker Fitial: State your point of clarification

Rep. Hofschneider: Was the motion for 63 or 65? Representative Pangelinan is discussing 65, right?

Rep. Pangelinan: Yes. The discussion is for all them.

Rep. Hofschneider: Was that the motion?

Floor Leader Babauta: Yes. You are in order.

Speaker Fitial: Proceed, Representative Pangelinan.

Rep. Pangelinan: Thank you. My point is, this Bill segregates, discriminates the members of the prestigious Board of Education because they are elected and doesn't fall under the advise and consent of the Senate.

Speaker Fitial: Are you discussing the Bill or the Committee Report? We are on the Committee Report.

Rep. Pangelinan: The Bill.

Speaker Fitial: Okay, so let us reserve the discussion on the Bill until we come down to the Bill Calendar.

Rep. Pangelinan: Okay. Thank you.

Speaker Fitial: We are discussing the Committee Reports. The motion is to adopt the Committee Reports so let us just limit our discussion on the Committee Report and then we can discuss the Bill when we come down to the Bill Calendar. Representative Benavente?

Rep. Benavente: Mr. Speaker, I do want to find out if the committee deliberated on the issue on the matter of including the Board of Education in this Bill? If possibly offered amendments, it was just something that I just wanted to find out if it was discussed by the Committee or deliberated on by the Committee?

Speaker Fitial: Can we dispose of the motion then so that we can go down to the Bill Calendar so we can discuss the merit on the Bill, because we are on the Committee Report. Recognized, Representative Hofschneider.

Rep. Hofschneider: Mr. Speaker, that would be out of order because we would in fact – that is why previously I asked a question, what was the motion?

Speaker Fitial: The motion was to adopt Standing Committee Reports from 12-63 to 12-68.

Rep. Hofschneider: So, by the virtue of adopting the Committee Reports by that particular motion we will in fact adopt the entire Committee Reports and I have questions on other Committee Reports.

Speaker Fitial: Okay, so why don't we piece meal the motion so that we don't confuse discussions on various committee reports. So, Floor Leader, can we just take it one at a time instead of the Rota's approach.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I wish to withdraw my original motion and restate my motion.

Speaker Fitial: Proceed, Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-63.

The motion was seconded.

S. C. R. NO. 12-63: Reporting on House Bill No. 12-1, entitled, “A Bill for an Act to make appropriations and activities of the CNMI Government and its instrumentalities, and for other purposes;” House Bill No. 12-25, entitled, “To appropriate Three Million Five Hundred Thousand Dollars (\$3,500,000.00) in fiscal year 2000 for Scholarship Program and for other purpose;” and, House Bill No. 12-28, entitled, “To appropriate Two Hundred Fifty Thousand Dollars (\$250,000.00) in Fiscal Year 2000 for Tanapag PCB/Agent Orange and for other purpose.” *Your Committee on Ways and Means recommends that House Bill No. 12-25 and House Bill No. 12-28 be filed by the House and that House Bill No. 12-1 be passed in the form of H.B. 12-1, C.S.1, on First and Final Reading.*

Speaker Fitial: Discussion on the Committee Report adoption motion? Representative Benavente?

Rep. Benavente: Just to clarify, I am not sure if this is the first time we have done this, but by voting on the motion to adopt that Committee Report, we will be automatically filing House Bill Nos. 12-25 and 12-28, so that there won't be any further discussion on those two Bills. Thank you.

Speaker Fitial: Further discussion? Representative Hofschneider, on the Committee Report.

Rep. Hofschneider: Thank you. Specifically on the issue raised by Representative Benavente on the filing of those two Bills, one Bill relates to request for appropriation for PCB for the Tanapag Community, and the other is the Scholarship Funding. Before we accept the Committee Report, Mr. Speaker, I would like maybe the Chairman of Ways and Means to just enlighten myself as well as others on whether PCB was appropriated and the reason for filing that particular –

Rep. A. Camacho: Yes --

Speaker Fitial: You are discussing on the Bill now. Let us just limit our discussion on the Committee Report. Is there something wrong on the report?

Rep. Hofschneider: Yes, there is something wrong.

Speaker Fitial: Let us hear what is wrong with the report?

Rep. A. Camacho: Mr. Speaker, let me answer --?

Speaker Fitial: No, because you are going to be discussing the merit on the Bills, the Bills that are being filed.

Rep. Hofschneider: Mr. Speaker, may I just make it very specific? The Committee Report states, “many appropriation Bills are being referred to the Committee for action, the Committee however found many Bills to duplicate the Governor’s Budget submission.” It was never submitted. PCB is one of those appropriations that was never submitted in the Budget submission.

Speaker Fitial: Representative Tony Camacho, can you respond to that?

Rep. A. Camacho: Mr. Speaker, the Governor submitted in the worksheet the amount to identify the PCB and there was an Appropriation Bill by several members, however, the Appropriation Bill that we are going to be discussing includes PCB as an item.

Rep. Hofschneider: As a line item.

Speaker Fitial: It is good.

Rep. Hofschneider: Mr. Speaker, I am sorry but the Governor never submitted the PCB. It was Representative’s Attao old provision in the Eleventh Legislature Budget submission by the Governor, which did not include PCB. Representative Attao, included that PCB, so by filing this, it does not necessarily acknowledge the submission of the Governor’s line item request for PCB. That has to reflect in the Committee Report.

Rep. A. Camacho: Mr. Speaker, the Committee takes action knowing that there is an appropriation at the same time there is already in the book that the Governor had requested for such amount. That is why individually passing Bills, which we can incorporate it into one Appropriation Bill is totally, I think efficient and convenient for everybody.

Rep. Hofschneider: That is all I want to hear, Mr. Speaker. You cannot get away from discussing the Committee Report without referring to the Bill.

Speaker Fitial: Right. I think when we go down to the Bill Calendar, such concerns will be thoroughly discussed and clearly pointed out. So, let us proceed with the discussion on the motion to adopt Standing Committee Report No. 12-63.

The motion to adopt Standing Committee Report No. 12-63 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-63 is adopted. Next, Floor Leader?

Floor Leader Babauta: Mr. Speaker, thank you. I now move for the adoption of Standing Committee Report No. 12-64, reference to Senate Bill No. 12-24, Senate Substitute 1.

The motion was seconded.

S. C. R. NO. 12-64: Reporting on Senate Bill No. 12-24, SS1, entitled, “A Bill for an Act to amend 1 CMC § 2152, concerning qualifications of the Attorney General, to conform with Article III, Section 11 of the Commonwealth Constitution; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends that the Bill be passed by the House on First and Final Reading.*

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-64 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-64 is adopted. Next?

Floor Leader Babauta: Mr. Speaker, I now move for the adoption of Standing Committee Report No. 12-65, reference to Senate Bill No. 12-40.

The motion was seconded.

S. C. R. NO. 12-65: Reporting on Senate Bill No. 12-40, entitled, “A Bill for an Act to provide one year vested service credit in the Retirement Fund for every two years of service on Commonwealth government boards and commissions.” *Your Committee on Judiciary and government Operations recommends that the Bill be passed by the House on First and Final Reading.*

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-65 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-65 is adopted. Next, Floor Leader?

Floor Leader Babauta: Mr. Speaker, I now move for the adoption of Standing Committee Report No. 12-66, reference to Senate Bill No. 12-42.

The motion was seconded.

S. C. R. NO. 12-66: Reporting on Senate Bill No. 12-42, entitled, “A Bill for an Act to clarify the duties and limits of liability of the Director of Public Lands; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends that the Bill be passed by the House on First and Final Reading.*

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-66 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-66 is adopted. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I now move for the adoption of Standing Committee Report No. 12-67, reference House Bill No. 12-74.

The motion was seconded.

S. C. R. NO. 12-67: Reporting on House Bill No. 12-74, entitled, “A Bill for an Act to amend section 4201, 6 CMC, Division 4, Chapter 2, and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of the Bill.*

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-67 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-67 is adopted. Floor Leader?

Floor Leader Babauta: Mr. Speaker, thank you. I move for the adoption of Standing Committee Report No. 12-68, reference to House Resolution No. 12-35.

The motion was seconded.

S. C. R. NO. 12-68: Reporting on House Resolution No. 12-35, entitled, “A House Resolution to request Marianas Cable Vision (MCV) to expedite the complete installation of cable service for all housing development in Kagman III.” *Your Committee on Public Utilities, Transportation and Communications recommends passage of the Bill.*

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-68 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-68 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 Joint Resolution No. 5, S. D. 1

The motion was seconded.

H. J. R. NO. 12-5, SD1: A HOUSE JOINT RESOLUTION TO CONSIDER ROTA ISLAND FOR THE UNKAI DISTILLERY COMPANY TO ESTABLISH A SCHOCU PLANT.

There was no discussion raised. The motion to adopt House Joint Resolution No. 12-5, Senate Draft 1, was carried by voice vote.

Speaker Fitial: House Joint Resolution No. 12-5, Senate Draft 1, is adopted.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader Babauta?

Floor Leader Babauta: May I ask for a short recess so that we may receive copies of House Concurrent Resolution?

Speaker Fitial: Short recess.

The House recessed at 2:50 p.m.

RECESS

The House reconvened at 2:53 p.m.

Speaker Fitial: The House shall reconvene. Floor Leader, recognized.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the adoption of House Resolution No. 12-35 under Standing Committee Report No. 12-68.

The motion was seconded.

H. R. NO. 12-35: A HOUSE RESOLUTION TO REQUEST MARIANAS CABLE VISION (MCV) TO EXPEDITE THE COMPLETE INSTALLATION OF CABLE SERVICE FOR ALL HOUSING DEVELOPMENT IN KAGMAN III.

There was no discussion raised. The motion to adopt House Resolution No. 12-35 was carried by voice vote.

Speaker Fitial: House Resolution No. 12-35 is adopted. Floor Leader?

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

The motion was seconded.

H. C. R. NO. 12-1: A HOUSE CONCURRENT RESOLUTION TO APPROVE REVENUES AND RESOURCES OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AS IDENTIFIED BY THE GOVERNOR IN COMPLIANCE WITH ARTICLE III, SECTION 9(e) OF THE CONSTITUTION AS AMENDED, AND 1 CMC, DIVISION 7 FOR FISCAL YEAR 2000 BEGINNING ON OCTOBER 1, 1999 AND ENDING ON SEPTEMBER 30, 2000.

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

Speaker Fitial: House Concurrent Resolution No. 12-1 is adopted.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move to suspend Rule IX, Sections 9 and 10 for First and Final Reading on the following House Bills: -- as it appears on the Calendar, Mr. Speaker – 12-12, 12-30, 12-62, 12-67, 12-92; Senate Bill No. 12-51, House Bill No. 12-1, Senate Bill No. 12-24, Senate Bill No. 12-40, Senate Bill No. 12-42, and House Bill No. 12-74.

The motion was seconded and carried by voice vote.

Speaker Fitial: All the Bills on today's Bill Calendar are being placed for consideration on First and Final Reading. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the passage on First and Final Reading House Bill No. 12-12 under Standing Committee Report No. 12-60.

The motion was seconded.

H. B. NO. 12-12: A BILL FOR AN ACT TO ALLOW THE DEPARTMENT OF LANDS TO QUITE TITLE TO CERTAIN PROPERTIES IN THE CHALAN KANOVA AREA OF SAIPAN; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Under discussion, Representative Rosiky Camacho?

Rep. Rosiky Camacho: Mr. Speaker and fellow colleagues, I would like to ask the Committee on Natural Resources, simply there's kind of various concern in terms of this lot never been identified one lot adjacent to another lot. In the findings it says, "small pockets" these are undefined land that could be considerably loss to the people of the CNMI in general as public land. I would just like to find out if they have a listing of these properties pertaining to these areas in Chalan Kanoa. The other that I am concern of is, if there's any precedent for other villages and other adjacent properties that we

might be entangling ourselves into. I just want to find out from the Committee if they have all this listings of such properties, especially in Chalan Kanoa?

Floor Leader Babauta: Mr. Speaker, may I?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, being a member of the Natural Resources Committee and a Bill has been similarly introduced last Legislature, apparently it died in the Committee. House Bill No. 12-12 only sets the mechanism in trying to distribute – I'll probably say, early post war – easement that will be granted to the first homestead in Saipan, which is the village of Chalan Kanoa, and Section 2 of the Bill precisely just did that. The records of small pockets of roads are with the Lands and Natural Resources, Division of Lands Commission, and of course with the Division of Public Lands, there were existing properties there, Mr. Speaker, that were granted already several years ago to some family members – that small piece of road were divided equally to the adjacent properties and I believe this road way was only measured 12' in width. There are presently residents that are now occupying those closed accesses. So, Section 2 just merely setting a mechanism in place on how to go about in distributing equally among the residential in Chalan Kanoa village, primarily in the are of District 2 and District 3. It does not intent to otherwise abuse what is granted under Section 2.

Speaker Fitial: Representative Rosiky, do you wish to continue?

Rep. Rosiky Camacho: There is one concern, Mr. Speaker, that I think the good Floor Leader didn't respond to, the listing of these properties to be affected.

Rep. Benavente: May I, Mr. Speaker?

Speaker Fitial: Representative Benavente?

Rep. Benavente: Thank you. As the Floor Leader pointed out, Chalan Kanoa area was originally started out as a homestead area. So, the lots within Chalan Kanoa usually contains either easement rights or house lots. There is no basically other significant public land or public property in the area, and while this Bill does not refer to the specific properties, the intent, as the Floor Leader pointed out, is to eliminate those unnecessary rights of way that are in between people's properties at this time, and allow the use of those rights of way for the use of those adjacent property owners. Again, this is after surveys are done by both Public Works and CUC to determine that there is no need for further government right of way in those particular areas. And if there is any that exist then of course, as also earlier clarified, it does not propose to take them immediately, but it would survey them and if there is no need for public purpose then Public Lands may in fact grant the use of these properties to those adjacent property owners. Again, we are only referring specifically to the easement rights, old roads that are not necessary at this time and has been again, surveyed by both Public Works and CUC as rights of way that

are not necessary for government use anymore. Thank you. Thank you, Representative Rosiky Camacho.

Speaker Fitial: Vice Speaker?

Vice Speaker Mendiola: Thank you, Mr. Speaker. Also, I would like to have the author on this Bill to give us more clarification on the heading, “To allow Department of Public Lands to quiet title”, I want to find out whether this “Department of Public Lands” is a correct wording to address to the Department or shall we put “Marianas Public Land Corporation” or...?

Rep. Benavente: It is correct. It is presently Natural Resources, Division of Public Lands.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: If I may effectuate a motion to allow an oral amendment to be offered by Representative Benavente to correct the real agency that as in charge.

There was no objection raised.

Speaker Fitial: Representative Benavente, you may offer your oral floor amendment to correct the department that you are referring to.

Representative Benavente: Thank you, Mr. Speaker. I guess on the title and wherever “Department of Public Lands” appears that could be amended to “Division of Public Lands.”

The motion was seconded and carried by voice vote.

Speaker Fitial: We are discussing now the motion to pass House Bill No. 12-12, House Draft 1. Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-12, House Draft 1, on First and Final Reading 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. DLGuerrero	yes

Rep. Heinz S. Hofscheider	yes
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	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

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

Floor Leader Babauta: Mr. Speaker, I now move for the passage of House Bill No. 12-30 on First and Final Reading.

The motion was seconded.

H. B. NO. 12-30: A BILL FOR AN ACT TO AMEND PUBLIC LAW 3-71 § 1 (§1117) AS AMENDED BY PUBLIC LAW 3-72, § 2 (§1102) TO EXEMPT FROM FORFEITURE, PROPERTY USED IN THE COMMISSION OF A CRIMINAL ACT BY SOMEONE OTHER THAN THE OWNER WITHOUT THE KNOWLEDGE, CONSENT OR WILLFUL BLINDNESS OF THE OWNER.

There was no discussion raised.

The Clerk called the roll on the motion to pass H. B. NO. 12-30 on First and Final Reading 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. DLGuerrero	yes
Rep. Heinz S. Hofscheider	yes
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	yes
Rep. William S. Torres	yes

Speaker Benigno R. Fitial yes

Speaker Fitial: House Bill No. 12-30 passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I now move for the passage of House Bill No. 12-62 on First and Final Reading.

The motion was seconded.

H. B. NO. 12-62: A BILL FOR AN ACT TO AMEND 3 CMC SECTION 4340(d) BY ADDING NEW SUBSECTION (i) AND (ii); AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-62 on First and Final Reading 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. DLGuerrero	yes
Rep. Heinz S. Hofscheider	yes
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	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-62 passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I now move for the passage of House Bill No. 12-67, Committee Substitute 1, on First and Final Reading.

The motion was seconded.

H. B. NO. 12-67, CS1: A BILL FOR AN ACT TO AMEND THE COMMONWEALTH CODE REGARDING USURY; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: Just a clarification, Mr. Speaker, and I don't know if anyone on the floor can answer before we refer to the counsels, on page 1, line 17, I would like for a clarification why we kept February 15, 1965?

Speaker Fitial: If I may since –

Rep. Hofschneider: I'm sorry this is your Bill.

Speaker Fitial: I would like to respond to that question since I also ask the same question myself. This is part of the Trust Territory Code, it is Title 33 of the Trust Territory Code. We could easily get rid of that as provision in the Code, but I guess it is for history purposes. They want to know how did this "Usury" came to be in the first place? So, I ask if they could remove that, but they became very sentimental so, they agreed to convince me and I was convinced to let it stay.

Rep. Hofschneider: Mr. Speaker, can we just delete that and say, "upon the effective date of this Act.", let us clean up the –

Speaker Fitial: The Trust Territory.

Rep. A. Camacho: Put a period "(.)" after "Commonwealth".

Rep. Hofschneider: Yes. Put a "(.)" after the "Commonwealth".

Speaker Fitial: That is the evolution of usury in this part of the world. If you are going to put a "(.)" after "Commonwealth" might as well put "(.)" after "Section 2".

Rep. Hofschneider: I rest my case.

Speaker Fitial: Roll call.

Rep. Hofschneider: Mr. Speaker, you are absolutely right. If I put a period "(.)" after "Section 2" everybody is happy here in the Commonwealth.

Speaker Fitial: Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-67, C. S. 1, on First and Final Reading 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. DLGuerrero	yes
Rep. Heinz S. Hofscheider	yes
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	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-67, Committee Substitute 1, passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the passage of House Bill No. 12-92 on First and Final Reading.

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.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-92 on First and Final Reading 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. DLGuerrero	yes
Rep. Heinz S. Hofscheider	yes
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	yes
Rep. William S. Torres	yes

Speaker Benigno R. Fitial

yes

Speaker Fitial: House Bill No. 12-92 passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the passage of Senate Bill No. 12-51, House Draft 1.

The motion was seconded.

S. B. NO. 12-51, H.D.1: A BILL FOR AN ACT TO ALLOW A GOVERNMENT EMPLOYEE TO CONVERT P.L. 7-31 RETROACTIVE SALARY ADJUSTMENT TO VESTING CREDIT SERVICE; AND FOR OTHER PURPOSES. [Deferred and referred to Committee on Judiciary and Governmental Operations]

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. First of all, on page 1, typo error and I think line 21, they meant Public Law 11-114 not 14.

Floor Leader Babauta: So noted.

Rep. Hofschneider: And also, Mr. Speaker, on page 2, “Prohibition on Reemployment. Any employee electing to convert unpaid retroactive compensation due under P.L. 7-31 is hereby prohibited from reemployment pursuant to 1 CMC §8402(b), (d), and (e).” Subsections (b), (d), and (e) are the classifications, Mr. Speaker, of particular occupations. One of them is the Constitutional amendment to allow teachers and medical professionals to so-called double dip. This may in fact conflict. One provision of this section may in fact conflict with the initiative that was recently passed by prohibiting them from being reemployed. That is part one of the question.

Speaker Fitial: Can we get somebody from the Committee to respond to that concern because that is a heavy concern?

Rep. Hofschneider: Short recess.

Speaker Fitial: Short recess.

The House recessed at 3:15 p.m.

RECESS

The House reconvened at 3:23 p.m.

Speaker Fitial: The House shall reconvene. We are still discussing the motion to pass Senate Bill No. 12-51, House Draft 1, on First and Final Reading. Floor Leader, you are recognized.

Floor Leader Babauta: Mr. Speaker, I wish to withdraw my original motion for the passage on Senate Bill No. 12-51, S.D.1, and state, move to defer action and refer the same Bill back to the Committee on Judiciary and Governmental Operations.

The motion was seconded.

Rep. Hofschneider: Mr. Speaker, do you recognize that?

Speaker Fitial: Discussion? Yes, I recognized that and you may –

Rep. Hofschneider: Thank you. I would like to just also ask another question that may the committee can consider. On the first page, when a person elects to have P. L. 7-31 that is due that person and qualifies the with a new computation, the service credit, and meets the minimum retirement qualifications, would that mean immediately that that person is no longer able to retire except as pursuant to 1 CMC, the following page: 1 CMC 8402 with those exceptions? On the reverse also the questions is, for those people that have enough service credit for computation purposes for retirement and then they do not elect, would they continue to be employed? Can we have the committee clarify that particular group of people who do not necessarily want to elect upon the effective date of this Act?

Speaker Fitial: Okay.

Rep. Hofschneider: Because, someone may misconstrue to mean that everyone that is due P. L. 7-31 –

Speaker Fitial: I understand. Can the committee just take note of that concern because we are not supposed to be deliberating or discussing the deferment motion?

Rep. Hofschneider: Thank you, Mr. Speaker.

The motion to defer action on Senate Bill No. 12-51, H. D. 1, and refer back to the Committee on Judiciary and Governmental Operations was carried by voice vote.

Speaker Fitial: Senate Bill No. 12-51, H. D. 1, is hereby deferred and referred to the Committee on Judiciary and Governmental Operations (JGO). Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the passage of Senate Bill No. 12-24, Senate Substitute 1.

The motion was seconded.

S. B. NO. 12-24, S.S.1: A BILL FOR AN ACT TO AMEND 1 CMC § 2152, CONCERNING QUALIFICATIONS OF THE ATTORNEY GENERAL, TO CONFORM WITH ARTICLE III, SECTION 11 OF THE COMMONWEALTH CONSTITUTION; AND FOR OTHER PURPOSES. [Referred to Committee on Judiciary and Governmental Operations]

Rep. W. Torres: Discussion?

Speaker Fitial: Discussion, Representative William Torres?

Rep. W. Torres: Mr. Speaker, I noticed that we are lowering the requirement to be an Attorney General in this particular Bill? We are substituting residency for practicing law before a judge. I am quite concern about this, I don't know what is the rationale behind this? Furthermore, I am concern that you may be in good standing in the Commonwealth, but in the U.S. or its possession, you may not, and this Bill did not reflect that possibility?

Speaker Fitial: Any response from the Judiciary and Governmental Operations (JGO) Committee?

Rep. Jones: Mr. Speaker?

Speaker Fitial: Representative Jones?

Rep. Jones: One of the areas of concern that the Committee support to add the new qualification is to see that a resident of the CNMI, so-called local, will be preferential in the position of the Attorney General. I would like for the Floor Leader to be – I believe he is the author –

Speaker Fitial: This is a Senate Bill?

Rep. Jones: But in my recollection of the discussion is, one of the concerns being raised as the point to have in this legislation. I am not too clear as to the question or the concern raised by colleague Torres.

Speaker Fitial: Representative Hofschneider?

Rep. Hofschneider: This question, Mr. Speaker, is about quality and not tenureship of residence in the Commonwealth. To appear in the court, Mr. Speaker, you have to have the dexterity and the articulation of the issues comprising the community. You can meet the minimum residency requirement to be an Attorney General (AG) and get appointed. But there are tendencies of every community that is different and one of the provisions in the existing law that stipulates the five-year provision is exactly to be well aware of the current state of mind of the community. What is the tendency of these people? What is the tendency of this community? Now, by removing that and lowering it to three years, we may in fact be looking at someone that did not live that long here in the Commonwealth, but has the minimum requirement of residency. We are looking at the quality. In most jurisdictions, the Attorney General's (AG's) take cases to court, so that not only that they continue to practice litigations before the court so that they are well aware of the circumstances surrounding the empowerment of the Attorney General to uphold and defend the laws and the constitution of that jurisdiction. In this case, by

lowering it, someone coming in and meeting the minimum requirement do not know the history of the Constitution's provisions or amendments to it, which reflect the wishes of the people. The will of the people is very important to defend and that is where the articulation and the qualities that we are looking for at the Attorney General (AG). It is the person being appointed that this far from representation of the Attorney General's Office, it is not whether that person meets the minimum requirement. It is about selecting an Attorney General for the Commonwealth who lives the Rule of Law, and the will of the people, to represent them and uphold the Constitution and Laws of the Commonwealth is essential and the essence of that provision. By removing it and reducing it, would in fact expose the Attorney General to move and shift the paradigm of thinking in the judicial jurisprudence categories that does not conform to the people's wishes and will. This is the essence of the Attorney General. It is the selection that we've been falling apart or falling behind.

Speaker Fitial: Does that respond to your question, Representative William Torres?

Rep. W. Torres: Mr. Speaker, I am just raising a concern, obviously it is not a House Bill, so perhaps my concern could not be responded to, but only to speculate as to the reason why this Bill is lowering the standards for an Attorney General.

Speaker Fitial: It is very interesting because, it is lowering the standard and at the same time, increasing the salary.

Rep. W. Torres: I rest my case, Mr. Speaker.

Speaker Fitial: Representative Jones?

Rep. Jones: This is a policy decision actually and if the members so desire to refer this back to the Committee is so well accepted.

Rep. Hofschneider: I so move, Mr. Speaker.

Rep. Attao: Second.

The motion to refer Senate Bill No. 12-24 back to Committee on Judiciary and Governmental Operations (JGO) was carried by voice vote.

Speaker Fitial: Senate Bill No. 12-24, Senate Substitute 1, is hereby referred back to the Committee on Judiciary and Governmental Operations (JGO). Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the passage of Senate Bill No. 12-40 on First and Final Reading.

The motion was seconded.

S. B. NO. 12-40: A BILL FOR AN ACT TO PROVIDE ONE YEAR VESTED SERVICE CREDIT IN THE RETIREMENT FUND FOR EVERY TWO YEARS OF SERVICE ON COMMONWEALTH GOVERNMENT BOARDS AND COMMISSIONS.

Speaker Fitial: Discussion? Representative Pangelinan?

Rep. Pangelinan: I am quite concern, Mr. Speaker and my fellow colleagues, I do not know why the intent of this Bill secludes the Board of Education members from this opportunity? It simply discriminates against the prestigious Board of Education members by not being inclusive in this. Because the Board of Education members are elected group of professionals and they are not subject for the advised and consent of the Senate. Yet, the Board itself was created by the Constitution provision, Article XIV. I would like to offer an amendment if the Floor Leader –

Speaker Fitial: Do you have your amendment ready?

Rep. Pangelinan: Yes.

Floor Leader Babauta: If there is no objection, Mr. Speaker, I move for the suspension of Rule IX, Section 11.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Representative Pangelinan, you may offer your floor amendment.

Rep. Pangelinan: Thank you, Mr. Speaker. On line 7, on the first page, after the word “board of commission” put a period “(.)”, “upon which advice and consent of the Senate...” and then after “membership” delete that sentence; and ““Commonwealth board or commission’ means any board or commission created by the Constitution or statutes of the Commonwealth should remain.” And on line 10, the word “Eligibility shall be limited to persons whose nominations for board or commission members have been confirmed by the Senate,” that shall be deleted the entirety. And on line 12, a new sentence shall be “No person...” and that is it.

Speaker Fitial: So, can you then read the --

Rep. Pangelinan: Excuse, Mr. Speaker, did you say “Inden”? I’m sorry.

Speaker Fitial: Please read the new paragraph as you have amended it?

Rep. Pangelinan: Let me attend to, on line 5, “(a) One year of vesting service credit shall be given for every two full and continues years of service as a member of any Commonwealth board or commission.” Deletion of “upon which advice and consent of the Senate is required for membership.” A new sentence then is, “Commonwealth board or commission’ means any board or commission created by the Constitution or statutes or the Commonwealth.” Then the whole sentence, “Eligibility shall... continue all the way

to line 11, Senate”, that should be deleted in its entirety, the whole sentence. The persistent line 11, new sentence should be, “No person shall be eligible for such credit for service... and on.

Rep. Peter: Second, for the purpose of discussion.

The motion was seconded.

Speaker Fitial: Discussion on the amendment? Representative Hofschneider?

Rep. Hofschneider: Yes, maybe a legal question, Mr. Speaker, would this take away the advice and consent power on those boards and commissions, because we are deleting it? Is the section a new section or a rephrasing of that original section, and now with this amendment, will strike out the advice and consent power of the Senate for the boards?

Speaker Fitial: No.

Rep. Hofschneider: If you create a new section --

Speaker Fitial: No. Because the advice and consent of the Senate is a statute, it is a statutory requirement. Here, the propose amendment is only trying to include those boards and commissions that do not require the advice and consent of the Senate.

Rep. Pangelinan: Yes, that is perfectly correct, Mr. Speaker.

Speaker Fitial: Further deliberation?

Floor Leader Babauta: Ready.

The motion to adopt the oral floor amendment offered by Representative Pangelinan to Senate Bill No. 12-40 was carried by voice vote.

Speaker Fitial: The motion carries.

Rep. A. Camacho: Mr. Speaker?

Speaker Fitial: Representative Tony Camacho?

Rep. A. Camacho: Since we are trying to accommodate boards and commission, and we are forgetting one very important elected position, the Municipal Council, I would like to make an amendment also to include the Municipal Council in this Bill. They are two years continuous accommodating even boards and commissions, two years continuous. I don't think it is fair to allow continuous of this sector or population and disregarding the other sector. I would like to make an amendment to –

Floor Leader Babauta: Mr. Speaker, before we entertain any further amendments, can we rise into Committee as a Whole so we can request the counsel whether or not the amendment of Representative Pangelinan includes offices established under the Constitution and statutes, because councils evidently would fall within the constitutional established office.

Speaker Fitial: We are only addressing boards and commissions. We are not addressing any other man filature.

Rep. Hofschneider: Mr. Speaker, on the amendment?

Speaker Fitial: No, you proceed with your amendment.

Rep. A. Camacho: Am I in order to make an amendment, Mr. Speaker?

Speaker Fitial: Yes. We already suspended the Rules.

Rep. A. Camacho: Mr. Speaker, on line 6, after the word “as a member of”, insert, “the municipal council and” any Commonwealth board and commission”, so that the municipal council can be included.

Rep. Attao: Second.

Speaker Fitial: Can you just offer the substance of your amendment so –

Rep. A. Camacho: Yes, Mr. Speaker, on line 6, after the word “as a member of”, then add “the municipal council and any Commonwealth board and commission.”

Rep. Hofschneider: Second.

Speaker Fitial: Okay. The oral amendment offered by Representative Camacho has been seconded. Discussion?

Floor Leader Babauta: Ready.

Speaker Fitial: Ready?

Rep. Attao: Mr. Speaker?

Speaker Fitial: Representative Attao?

Rep. Attao: Recess.

Speaker Fitial: Short recess.

The House recessed at 3:45 p.m.

RECESS

The House reconvened at 3:53 p.m.

Speaker Fitial: The House shall reconvene. We are still deliberating on the amendment offered by Representative Tony Camacho. Ready?

The motion to adopt the oral floor amendment offered by Representative A. Camacho to Senate Bill No. 12-40, HD2, was by unanimous consent.

Speaker Fitial: We have already accepted an amendment offered by Representative Tony Camacho to include “municipal council”. So, we are now voting on the main motion to pass Senate Bill No. 12-40, House Draft 2. Roll call.

The Clerk called the roll on the motion to pass Senate Bill No. 12-40, House Draft 2, on First and Final Reading 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	absent during voting
Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. DLGuerrero	yes
Rep. Heinz S. Hofscheider	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	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: Senate Bill No. 12-40, House Draft 2, passes the House on First and Final Reading.

Rep. Attao: Privilege, Mr. Speaker.

Speaker Fitial: Representative Attao?

Rep. Attao: Under privilege, Mr. Speaker, I would like to find out if this is a retroactive Bill?

Speaker Fitial: No.

Rep. Attao: No. Thank you.

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the passage of House Bill No. 12-74 on First and Final Reading.

The motion was seconded.

H. B. NO. 12-74: A BILL FOR AN ACT TO AMEND SECTION 4201, 6 CMC, DIVISION 4, CHAPTER 2, AND FOR OTHER PURPOSES.

There was no discussion raised.

The motion to pass House Bill No. 12-74, on First and Final Reading is 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	absent during voting
Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. DLGuerrero	yes
Rep. Heinz S. Hofscheider	yes
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	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-74 passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the passage of Senate Bill No. 12-42 on First and Final Reading.

The motion was seconded.

S. B. NO. 12-42: A BILL FOR AN ACT TO CLARIFY THE DUTIES AND LIMITS OF LIABILITY OF THE DIRECTOR OF PUBLIC LANDS; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Jones?

Rep. Jones: Mr. Speaker, I would like to amend –

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Suspension on Rule IX, Section 11 on House Bill No. 12-42.

The motion was seconded.

Speaker Fitial: I thought we already have a standing motion adopted to consider all oral floor amendments.

Floor Leader Babauta: So clarified, Mr. Speaker.

Speaker Fitial: Proceed.

Rep. Jones: I would like to make an amendment on line 19 of the Bill, the word “with” it should be “without”, so move.

The motion was seconded and the motion to amend Senate Bill No. 12-40 as offered by Representative Jones was carried by voice vote.

Speaker Fitial: The motion carries.

Rep. A. Camacho: Mr. Speaker?

Speaker Fitial: Representative Tony Camacho?

Rep. A. Camacho: I would like to make an oral Floor Amendment on page 1, line 2, remove “1999” to make it “2000”.

Speaker Fitial: What line?

Rep. A. Camacho: Line 2, page 1. I’m sorry. I recall my motion, Mr. Speaker.

Speaker Fitial: Ready? Question? Post your question?

Rep. Hofschneider: Mr. Speaker, I don’t know if this is a Senate Bill...

Speaker Fitial: It is.

Rep. Hofschneider: But I don't know what prompted this Bill, Mr. Speaker, to have immunity to the Director? I thought the fundamental policies of the previous Marianas Public Land Corporation, has been answered through the courts. Why are we revisiting statutorily? What prompted this particular Bill to have this immunity section to the Director?

Speaker Fitial: Well, we can only assume on thing, I think they are loaded with lawsuit.

Rep. Hofschneider: Seriously, Mr. Speaker, I think a member, I don't recall maybe the Vice Speaker has a total revision of the Public Land Act – this may in fact, Mr. Speaker, be contrary to good word governments.

Speaker Fitial: Yes, you could interpret it also to mean this would be promoting maleficent and nothing to worry about.

Rep. Hofschneider: I cannot second guess the author of this Bill, Mr. Speaker, but I hope that one can provide a clarification as to the findings and purposes of the Bill other than to just insert such a clause in the Bill. Because the committee report did not state what prompted this legislation to clarify the immunity of the Director.

Speaker Fitial: Legal counsel, can you just nod and shake your head again – would this provide an automatic indemnification on the part of the Director if this becomes law? – Good. So, it is not an automatic or indemnification, or sealed.

Rep. Hofschneider: So, I guess the logical question to that is what legal value is this legislation?

Speaker Fitial: Does anybody have – well, let us just take a half minute recess.

The House recessed at 4:02 p.m.

RECESS

The House reconvened at 4:07 p.m.

Speaker Fitial: The House shall reconvene. We are still discussing the motion to pass Senate Bill No. 12-42, House Draft 1. Ready? Roll call.

The Clerk called the roll on the motion to pass Senate Bill No. 12-42, H. D. 1, on First and Final Reading as follows:

Rep. Martin B. Ada	no
Rep. David M. Apatang	no
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	absent during voting

Rep. Antonio M. Camacho	yes w/reservation
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. DLGuerrero	abstained
Rep. Heinz S. Hofscheider	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	no
Rep. Maria “Malua” T. Peter	yes
Rep. Stanley T. Torres	no
Rep. William S. Torres	abstained
Speaker Benigno R. Fitial	yes

Speaker Fitial: Senate Bill No. 12-42, House Draft 1, passes the House on First and Final Reading. Floor Leader?

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

The motion was seconded and carried by voice vote.

The House recessed at 4:10 p.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives