

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

TWENTY-EIGHTH DAY

March 18, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Twenty-Eighth Day, First Regular Session, on Saturday, March 18, 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-Eighth Day of our First Regular Session.

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, for the information of the members the 26th Day journal does not appear, however, copies have been passed out so please take note. Mr. Speaker, I move for the adoption of 25th and 26th Day journals.

The motion was seconded.

25th and 26th Day, First Regular Session Journals - (3/15-16/00)

Speaker Fitial: The 25th and 26th Days journals are adopted.

Rep. Hofschneider: Privilege.

Speaker Fitial: Privilege.

Rep. Hofschneider: Mr. Speaker, where's our counsel?

Speaker Fitial: Counsel Cabrera is excused for today because he is engaged. However, counsel Makenzie is here.

PREFILED AND INTRODUCTION OF BILLS

None

PREFILED AND INTRODUCTION OF RESOLUTIONS

None

MESSAGES FROM THE GOVERNOR

None

SENATES COMMUNICATIONS

None

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

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 No. 12-57, reference to House Bill No. 12-86; Standing Committee Report No. 12-69, reference to House Resolution No. 12-34; Standing Committee Report No. 12-70, reference to House Bill No. 12-75; and Standing Committee Report No. 12-71, reference to House Bill No. 12-84.

The motion was seconded.

S. C. R. NO. 12-57: Reporting on House Bill No. 12-86, entitled, “To amend 2 CMC 1413 by adding a new subsection (c); and for other purposes.” *Your Committee on Natural Resources recommends its passage in the form of H.B. No. 12-86, H.D.1 on First and Final Reading.*

S. C. R. NO. 12-69: Reporting on House Resolution No. 12-34, entitled, “Commemorating the ‘Covenant Day Essay Contest’ event established by the Northern Marianas Islands Council for the Humanities to remember the significance of the Covenant entered between the indigenous people of the Northern Mariana Islands and the government of the United States.” *Your Committee on Health and Welfare recommends its adoption.*

S. C. R. NO. 12-70: Reporting on House Bill No. 12-75, entitled, “To enact a new section 1609 of Title 6 of the Commonwealth Code; and for other purposes.” *Your Committee on Health and Welfare recommends passage of the Bill in the form of H.B. 12-75, C.S.1 on First and Final Reading.*

S. C.R. NO. 12-71: Reporting on House Bill No. 12-84, entitled, “To provide penalties for allowing minors access to firearms; and for other purposes.” *Your Committee on Health and Welfare recommends passage of the Bill in the form of H.B. No. 12-84, H.D.1 on First and Final Reading.*

There was no discussion raised. The motion to adopt Standing Committee Report Nos. 12-57, 12-69, 12-70 and 12-71 was carried by voice vote.

Speaker Fitial: Standing Committee Report Nos. 12-57, 12-69, 12-70 and 12-71 are 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. 12-34, reference to Standing Committee Report No. 12-69.

The motion was seconded.

H. R. NO. 12-34: COMMEMORATING THE (COVENANT DAY ESSAY CONTEST) EVENT ESTABLISHED BY THE NORTHERN MARIANAS ISLANDS COUNCIL FOR THE HUMANITIES TO REMEMBER THE SIGNIFICANCE OF THE COVENANT ENTERED BETWEEN THE INDIGENOUS PEOPLE OF THE NORTHERN MARIANA ISLANDS AND THE GOVERNMENT OF THE UNITED STATES.

There was no discussion raised. The motion to adopt House Resolution No. 12-34 was carried by voice vote.

Speaker Fitial: House Resolution No. 12-34 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 Nos. 12-75, CS1, 12-84, HD1, and 12-86, CS1, on First and Final Reading.

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. 12-75, Committee Substitute 1, on First and Final Reading.

The motion was seconded.

H. B. NO. 12-75, CS1: TO ENACT A NEW SECTION 1609 OF TITLE 6 OF THE COMMONWEALTH CODE; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-75, CS1, 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. Hofschneider	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. 12-75, Committee Substitute 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. 12-84, House Draft 1, on First and Final Reading.

The motion was seconded.

H. B. NO. 12-84, HD1: TO PROVIDE PENALTIES FOR ALLOWING MINORS ACCESS TO FIREARMS; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Floor Leader?

Floor Leader Babauta: Mr. Speaker, it could be typo error probably, on page 2, line 6, after the word “picking a look”, I believe it should be “picking a lock”, can the Committee verify that or the author, is it “picking a lock”.

Speaker Fitial: Representative Peter?

Rep. Peter: Mr. Speaker, I am sure this is “picking and look”.

Floor Leader Babauta: If there is no objection, Mr. Speaker, we consider it as a typo error.

There was no objection raised.

Speaker Fitial: If there is no objection, so ordered.

Floor Leader Babauta: Ready.

Rep. Pangelinan: Mr. Speaker?

Speaker Fitial: Representative Pangelinan?

Rep. Pangelinan: I have a concern on the first page, line 20, the words “without adult supervision”, is this implying that we can give my eight year old kid .22 caliber or .223 with my supervision to fire and use that firearm, is this the definition?

Speaker Fitial: Representative Peter?

Rep. Peter: Representative Pangelinan, which part are you reading?

Rep. Pangelinan: Page 1, line 20. I am concern about “without adult supervision”. This will simply authorize kids of any age to use firearms with adult’s supervision. And to me, that is defeating what we are trying to do in this Bill. So, if I can submit a floor amendment –

Floor Leader Babauta: Clarification, Mr. Speaker.

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, on Section 4, my reading is, merely inserting a criminal liability for punishment. Unless, I am reading it the other way. Inserting a criminal liability for a person who authorizes a minor to use firearms or possess otherwise without an adult supervision.

Rep. Pangelinan: Mr. Speaker, can we take a short recess?

Speaker Fitial: Short recess.

The House recessed at 2:01 p.m.

RECESS

The House reconvened at 2:17 p.m.

Speaker Fitial: The House shall reconvene. We are still discussing the motion to pass House Bill No. 12-84, House Draft 1, on First and Final Reading. Further discussion? Representative Benavente?

Rep. Benavente: Thank you, Mr. Speaker. Representative Pangelinan raised a concern with regards to the Bill on allowing minors to use firearms. I think that we are all concern of that, but at the same time, there are several programs that allows firearms for the use of recreation and sports, and even our people are allowed to use firearms by their children who sometimes go out hunting. I think it is healthy, but it is still dangerous in its healthy. I would like to support the Bill as written where we will allow firearms to be used by minors with the adult supervision, of course, and as written in the Bill. Thank you.

Rep. Pangelinan: Mr. Speaker?

Speaker Fitial: Representative Pangelinan?

Rep. Pangelinan: I am supporting Bill but the word “adult”... the question here is, which adult is certified, able to instruct a young kid how to use the a gun? My argument is not any adult can perform this responsibility. This provision says, any adult, so to speak. It could be you and I know you can’t do it, you are not certified. Ready.

Speaker Fitial: Just for clarification, line 18, of the Bill now reads, “Section 4, subsection (a) Giving a Firearm to a Minor. Any person who”... then you go down to the second line, ...”allow a minor to use or posse a firearm without adult supervision”. So line 18, after the word “who” strike out “gives a firearm into the possession of a minor, or who”, strikeout all those words. Ready? Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-84, 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. Hofschneider	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. 12-84, House Draft 1, passes the House on First and Final Reading. Floor Leader, recognized.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the passage of House Bill No. 12-86, Committee Substitute 1, on First and Final Reading.

The motion was seconded.

H. B. NO. 12-86, CS1: TO AMEND 2 CMC 1413 BY ADDING A NEW SUBSECTION (c); AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative William Torres, recognized.

Rep. W. Torres: The word “purchaser”, is that an inclusive word to include those that are missing lands? Does this include land leases? That is number one. Number two, on Section 2, we are making an exception for the government, what is the rationale behind that?

Speaker Fitial: Any member wishes to respond to the two concerns raised by Representative William Torres? Representative Rosiky Camacho?

Rep. Rosiky Camacho: I think the argument or the concern on the “government” they are the government and I think that is pretty clear that you don’t tell one agency to do so. But the whole issue of this particular Bill is concerning to private properties not government properties.

Rep. W. Torres: Mr. Speaker?

Speaker Fitial: Proceed. You still have the floor.

Rep. W. Torres: I guess my concern here with the exception is, let us say that there is a private transfer property to government, or government acquisition, the eminent domain, or for that matter, a private transfer to another private party in fee simple and he's so interest, which takes precedence? -- the transfer to the government or the transfer to the private party?

Speaker Fitial: Representative Rosiky Camacho?

Rep. A. Camacho: Let me try to explain what the intent is, Mr. Speaker and fellow colleagues. On the purpose of land exchange, there are many times that land didn't transact. It's been exchanged, being surveyed, under Land and Survey it's required that they will register that particular document that is being surveyed after approval from Land and Survey -- did not recall this office. The second that is never appear is that the documentation of transaction and the conveyance did, that transaction when it is done between two parties has to go down to the Recorder's Office and report that specific transaction. That particular provision, Mr. Speaker, at this time there are many times, that between government property being exchanged by private property, never appear and recorded at the Recorder's Office. This Bill's intent is to assure that this property transaction or any conveyance transaction is recorded. If not so recorded, whoever recorded first will be the rightful owner of this property. That is the intent of this particular legislation, Mr. Speaker.

Speaker Fitial: So, you are assuming that there will be more than one transaction.

Rep. Rosiky Camacho: There will be only one transaction under the Recorder's Office, there could be so many transaction before it reaches the Recorder's Office, but what the intent is, whoever comes first to record that will be the rightful owner of that particular property. I think that is my intent of the Bill.

Rep. Hofschneider: Short recess.

Speaker Fitial: We need to go into a short recess because the Bill does not specifically reflect your intention.

The House recessed at 2:25 p.m.

RECESS

The House reconvened at 2:38 p.m.

Speaker Fitial: The House shall reconvene. We are still on the passage motion on House Bill No. 12-86, CS1. Floor Leader?

Floor Leader Babauta: Mr. Speaker, if there is no objection from the members, I withdraw my motion and restate it, I move to defer action and refer House Bill No. 12-86, CS1, back to Committee on Natural Resources for further review.

The motion was seconded and carried by voice vote.

Speaker Fitial: House Bill No. 12-86, CS1, is hereby referred to Natural Resources Committee. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the passage on First and Final Reading House Bill No. 12-1, CS1.

The motion was seconded.

H. B. NO. 12-1, CS1: A BILL FOR AN ACT TO MAKE APPROPRIATIONS FOR THE OPERATIONS AND ACTIVITIES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, ITS AGENCIES, INSTRUMENTALITIES, AND INDEPENDENT PROGRAMS, AND TO PROVIDE BUDGET AUTHORITY FOR GOVERNMENT CORPORATIONS FOR FISCAL YEAR 2000; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Attao?

Rep. Attao: Mr. Speaker, reviewing the whole package of House Bill No. 12-1, CS1, I found it very difficult to balance the budget, Mr. Speaker. There were some amendments submitted to my office without reflecting those amendments from the committee report, most especially on the budget detail, Mr. Speaker. So, I would like to therefore ask the Chair, to enlighten the members, on page 33 of the budget worksheet, where did he get the additional money increasing the department of Pubic Health and this for the Rota Health Center? And also, Mr. Speaker, on page 36, for the Office of the Mayor, there was an increase of \$68,000 without an explanation. So, I would like to ask the Chair or any member of the committee to enlighten the members of the House as to the increase in this and where did they take the money?

Speaker Fitial: Representative Tony Camacho, please respond?

Rep. A. Camacho: Thank you, Mr. Speaker. We balanced the budget, we took a portion from Tinian Mayor and we put to Rota Public Health as a result of the request from both members to ensure that the Health Service in Rota also will not be affected by our austerity measure.

Rep. Attao: Mr. Speaker, we have both Rota Health Center and Tinian Mayor's Office, increased without decreasing another agency's budget. So, the question is, where did they get the money to increase Rota Health Center and also the Mayor Tinian?

Speaker Fitial: Go ahead.

Rep. A. Camacho: We took the money from Tinian when we transfer the lapses to the Tinian Mayor's Office, we took some to accommodate the needs of Rota Public Health as requested by Vice Speaker Alejo Mendiola, that is the only transaction we made to accommodate the needs of Rota.

Speaker Fitial: Go ahead, Representative Attao.

Rep. Attao: Thank you, Mr. Speaker. So, can you little enlighten us as to the lapses as far as FY'2000, how do you take lapses when there is no budget?

Rep. A. Camacho: Mr. Speaker, we got all the information from the Department of Finance on the payroll masters and we took all the positions that are budgeted and are not filled.

Rep. Attao: Mr. Speaker, if you take a look on the administrative provisions, there were two sections that talks about lapses, and if that is true that they got the information from Finance, so the provisions here will absorb all the lapse funds and end up the increase on CHC, so as the Mayor of Tinian would not be a realistic by increase. So, we cannot use lapse because we have not yet completed the fiscal year, or we have not yet passed the budget for that matter. So, using lapse to increase agencies budget is something that I cannot understand, Mr. Speaker.

Speaker Fitial: Proceed.

Rep. A. Camacho: Mr. Speaker, we put a language on the lapses as the prevention from overrunning so that we can internally have that within the departments working things out.

Rep. Attao: So, if that is the case, Mr. Speaker, I have a Bill to introduce, this is relative to retroactive payment, the land compensation, if that is true then all lapses can be taken and accommodate in this fiscal year, if that is what is happening in this budget.

Rep. A. Camacho: Mr. Speaker, Representative Attao's position, we are separating his Bill so that when we identify additional resources we will be accommodating his Bill in a separate form the general appropriation.

Rep. Attao: Okay, so set aside, land compensation and retroactive payment, let us take CUC, can we use the lapse to incorporate in this fiscal year? And, that is what they did.

Rep. A. Camacho: No, Mr. Speaker. We are using what the Administration had provided us and we worked on all the details to accommodate this fiscal year.

Rep. Attao: No, but what I am saying, Mr. Speaker, and maybe you can discuss also, I know you know about this – but if you use lapses, Mr. Speaker, as a budget item in the fiscal year, that means that amount is available, but there is a provision that governs the lapse, that is my concern. We cannot use that to make it a budget item if lapse is not really the true figure to put be put into the budget item.

Speaker Fitial: Proceed.

Rep. A. Camacho: Mr. Speaker, the lapses actually as provided in the department, the lapses is only a speculation of how much we have on the budget, that is why we are providing the sources so that the department can really reprogram those things.

Speaker Fitial: You realize savings from lapses when you decide not to fill a budgeted position or you want to cut budgeted position. So, that is when you realize lapses.

Rep. Benavente: Point of information, Mr. Speaker.

Speaker Fitial: State your point of information.

Rep. Benavente: If the case is true that we actually have a budget here that is greater than the identified resources from the Governor, that also would be in violation of the constitutional requirement for a balance budget then if we do not meet the revenue projection that has been sent to us by the Governor, if this is true that we actually have a budget greater than the resources now because of the use of anticipated lapses money in the budget itself. So, it should be some concern of possible violation of a balanced budget.

Speaker Fitial: That argument has been used for many, many years and nobody seems to have any more respect for the concept of unified budget. In other words, the Legislature continues to determine what would be the resources to be appropriated.

Rep. Benavente: There are some guidelines.

Speaker Fitial: The guideline is what we did yesterday. We adopted a concurrent resolution. So, a concurrent resolution is only and expression that we support the Governor's estimated resources for the fiscal year is that so much. Then, we take that and allocate those resources to the various budgetary items.

Rep. A. Camacho: Ready, Mr. Speaker.

Rep. Attao: Yes, Mr. Speaker. On the lopsided, Mr. Speaker, I will agree that at the end of the fiscal year, if the Governor determines that there is lapse, yes, I will agree on that. But this is in the midst of the quarter to use, to add on something that – maybe you would not realize whether or not that will be available – but to increase that using lapse is something that we have to take a look.

Speaker Fitial: This is the definition of the lapse according to the Committee when they receive the Governor's actual payroll cost summary and they compare that with the budgeted figure for any agency, for that matter, there is that difference. So, that is what the committee considers to be lapse.

Rep. Attao: So, if that the case and that what the committee did, I will be making an amendment to use most of the lapses for the retroactive and possibly, Mr. Speaker, the land compensation. If we have to set precedents now then I think, Mr. Speaker, it is also very important.

Speaker Fitial: The most appropriate question to the committee would be to come up with the identification of lapse amount per agency or per account.

Rep. Attao: Yes, because increasing something that you don't know, especially for us, we don't know the information, we have to raise question, one is that, whether it is legal or not?

Speaker Fitial: So, that is what the committee did and I think it is only appropriate to have a meaningful discussion to present the lapses.

Rep. Attao: This thing happens, Mr. Speaker, after we adopted the Committee Report. There was an amendment to help Tinian and Rota and also the Mayor in Tinian. It was amended after the fact. So, that is why I am raising this question because Rota has exceeded by \$60,000 so as Tinian.

Speaker Fitial: I think the committee did an adjustment prior to yesterday's session. Mr. Chairman.

Rep. Attao: No, Mr. Speaker.

Rep. A. Camacho: I beg your pardon, Mr. Speaker.

Speaker Fitial: I believe there is an adjustment that the committee made --?

Rep. A. Camacho: Yes, only an adjustment.

Speaker Fitial: Proceed.

Rep. Attao: Also, Mr. Speaker, on page 5 of the budget detail, pursuant to House Legislative Initiative 10-8, we are only allowed to go up to at least \$155,000 per year of our operational funds. It appears to me and if my calculation tells me right, I think for the Senate, it was over for about \$89,000 and for the House of Representative it is over about \$139,500, may I ask the Chair to enlighten us on this?

Rep. A. Camacho: What page are you referring to, Representative Attao?

Rep. Attao: On page 5 of the budget detail, under Senate budget, under object class 62060. The Legislative Initiative 10-8 allow us to go up to at least \$155,000 per year and based on my calculation here, on the Senate side, we exceeded by \$89,750, for the House, we exceeded \$139,500.

Speaker Fitial: Is that under professional services?

Rep. Attao: Yes.

Rep. Benavente: That is the individual allocation for each eighteen members.

Speaker Fitial: Chairman Tony, do you have the --?

Rep. A. Camacho: May we recess, Mr. Speaker?

Speaker Fitial: Okay. Short recess.

The House recessed at 2:48 p.m.

RECESS

The House reconvened at 3:10 p.m.

Speaker Fitial: The House shall reconvene. We are on the main motion to pass the budget Act on First and Final Reading. During the recess it became apparent that the budget needs to be reviewed further to correction certain infractions. So, Floor Leader, will you please effectuate an appropriate motion?

Floor Leader Babauta: Mr. Speaker, I move to defer action on House Bill No. 12-1.

The motion was seconded and carried by voice vote.

Speaker Fitial: House Bill No. 12-1 is deferred. No further Bill on today's calendar.

MISCELLANEOUS BUSINESS

The Chair recognized Rep. Hofschneider.

Rep. Hofschneider: We are on our 28th Day, right?

Floor Leader Babauta: 28.

Rep. Hofschneider: Two more days?

Speaker Fitial: We only have two more days before we comply with the Constitution. Ready? Floor Leader?

Floor Leader Babauta: Mr. Speaker, move to recess until 1:30 Monday afternoon.

The motion was seconded and carried by voice vote.

The House recessed at 3:12 p.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives