

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

THIRD DAY

August 14, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Third Day, Second Regular Session, on Monday, August 14, 2000, at 11:07 a.m., in the House Chamber, Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Benigno R. Fitial, Speaker of the House presided.

A moment of silence was observed.

In accordance with Rule XIII, § 2(a), all eighteen members were present.

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

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. I now move for the adoption of the First and Second Days of our Second Regular Session journals.

1st and 2nd Day, Second Regular Session (8/8-9/00)

The motion to adopt the First and Second Days, Second Regular Session journals was seconded and carried by voice vote.

Speaker Fitial: The motion carries.

INTRODUCTION OF BILLS

The Chair recognized Rep. Attao.

Rep. Attao: Mr. Speaker, during the Eleventh Commonwealth Legislature, the Committees on Ways and Means and Health, Education and Welfare met with the Board of Education pertaining to the emergency classrooms allocation for the Third Senatorial District. Garapan and Oleai Elementary Schools were allocated six classrooms respectively. However, allocation for Garapan and Oleai Elementary Schools were transferred to other schools with the understanding that when fund becomes available the six classrooms each shall be reinstated. With that, I introduced the following:

H. B. NO. 12-240: A Bill for an Act to re-appropriate \$600,000.00 out of \$1,150,000.00 for the New Saipan Classroom, Science and Computer Laboratories, and expansion of Hopwood Junior High School Library (ref. PL 11-89) to construct additional classroom for Garapan and Oleai Elementary School; and for other purposes.

Offered by: Rep. Jesus T. Attao and one other
Referred to: Committee on Ways and Means

H. B. NO. 12-241: A Bill for an Act to appropriate Three Hundred Thousand Dollars (\$300,000.00) from the CNMI Covenant Section 702 CIP Projects for the construction of Traffic Lights at the Quarter Master Beach Road; and for other purposes.

Offered by: Rep. Jesus T. Attao and one other
Referred to: Committee on Ways and Means

H. B. NO. 12-242: A Bill for an Act to appropriate Six Hundred Thousand Dollars (\$600,000.00) from the CNMI Covenant Section 702 CIP Projects; and for other purposes.

Offered by: Rep. Jesus T. Attao and one other
Referred to: Committee on Ways and Means

H. B. NO. 12-243: A Bill for an Act to amend 1 CMC, Division 1, Section 1607(a), of the Commonwealth Code; and for other purposes.

Offered by: Rep. Dino M. Jones
Referred to: Committee on Judiciary and Governmental Operations

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-73: A House Resolution to request the Governor and the Board of Public Lands to assess the land situation at the Oleai Elementary School to provide adequate road access.

Offered by: Rep. Maria “Malua” T. Peter
Referred to: Committee on Natural Resources

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: I believe all members have copies. Before, I move, Mr. Speaker, I kindly requests the members to insert Standing Committee Report Nos. 12-141, 12-142 and 12-143. With that, Mr. Speaker, I move for the adoption of Standing Committee Report Nos. 12-141, 12-142 and 12-143.

S. C. R. NO. 12-141: Reporting on House Bill No. 12-85, entitled, “To establish a Commission on Judicial Conduct, to hear and adjudicate complaints against Justices and Judges of the Commonwealth courts; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage in the form of HB 12-85, CD1.*

S. C. R. NO. 12-142: Reporting on House Bill No. 12-175, entitled, “To establish a Schedule of Civil Penalties to be invoked against persons who cause or allow utility services to be connected to their property without properly connecting the services through the procedures of the Commonwealth Utilities Corporation; and for other purposes.” *Your Committee on Public Utilities, Transportations and Communications recommends passage in the form of HB 12-175, CSI.*

S. C. R. NO. 12-143: Reporting on House Bill No. 12-82, entitled, “To establish a mechanism regulating the CNMI-based Trust Companies; and for other purposes.” *Your Committee on Commerce and Tourism recommends passage in the form of HB 12-82, CD1.*

The motion to adopt Standing Committee Report Nos. 12-141, 12-142 and 12-143 was seconded and carried by voice vote.

Speaker Fitial: The motion carries.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I now move for the suspension of Rule IX, Sections 9 and 10 for the placement and passage on First and Final Reading House Bill Nos. 12-85, Committee Draft 1, as it appears under Standing Committee Report No. 12-141; 12-175, Committee Substitute 1, under Standing Committee Report No. 12-142; and lastly 12-82, Committee Draft 1, as it appears under Standing Committee Report No. 12-143.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Passage motion?

Floor Leader Babauta: So move, Mr. Speaker, for the passage on First and Final Reading House Bill No. 12-85, Committee Draft 1.

The motion was seconded.

H. B. NO. 12-85, CD1: TO ESTABLISH A COMMISSION ON JUDICIAL CONDUCT, TO HEAR AND ADJUDICATE COMPLAINTS AGAINST JUSTICES AND JUDGES OF THE COMMONWEALTH COURTS; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-85, Committee 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. Deleon Guerrero	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. 12-85, Committee Draft 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 on First and Final Reading House Bill No. 12-175, Committee Substitute 1, as it appears under Standing Committee Report No. 12-142.

The motion was seconded.

H. B. NO. 12-175, CS1: TO ESTABLISH A SCHEDULE OF CIVIL PENALTIES TO BE INVOKED AGAINST PERSONS WHO CAUSE OR ALLOW UTILITY SERVICES TO BE CONNECTED TO THEIR PROPERTY WITHOUT PROPERLY CONNECTING THE SERVICES THROUGH THE PROCEDURES OF THE COMMONWEALTH UTILITIES CORPORATION; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Rosiky Camacho?

Rep. Rosiky Camacho: Mr. Speaker, just a typo error on page 2 of the Bill, on line item 14, to underline subsection “(b)” because on the original statute the particular section had been amended.

Speaker Fitial: What page?

Rep. Rosiky Camacho: Page 2, the whole subsection “(b)”.

Speaker Fitial: Line one?

Rep. Rosiky Camacho: Lines 14 to 25.

Speaker Fitial: The whole subsection should be underlined?

Rep. Rosiky Camacho: Just a typo.

Floor Leader Babauta: Ready.

Rep. Attao: Mr. Speaker?

Speaker Fitial: Ready? Representative Attao, recognized.

Rep. Attao: Mr. Speaker, I have a concern on page 3, subsection (b) of House Bill No. 12-175, CS1. May I ask the Chair to enlighten the members as to why this particular section is inserted in this Bill when my Bill was filed addressing the same concern?

Speaker Fitial: That is a good question. Chairman, do you have a good answer?

Rep. Rosiky Camacho: That is a very good question, Mr. Speaker. Based on the Committee Report on the Public Hearing, there have been comments by all the people that have wells to foresee that this particular time to charge surcharges to people who consume salty water is not advisable at this time, but the Committee is not throwing out the particular provision of coming up with a Bill that will address the concern of the existing wells on the island.

Speaker Fitial: You may continue.

Rep. Attao: Mr. Speaker, I am very surprise because on the Standing Committee Report, page 2, the Committee Report that was filed under my Bill indicated that there where about 39 companies went against my Bill. However, this Bill, it appears to me that the 36 comments – one company opposed the Bill, however, 7 of the government agencies supported the measure. I wonder what happen to the 28, whether they are supporting House Bill No. 12-175 or not?

Rep. Rosiky Camacho: They do.

Rep. Attao: They do. So, you mean to say the first Committee Report on my Bill is not accurate for filing the Bill because the 39 went against my Bill on the metering of the private water well?

Rep. Rosiky Camacho: No. That is not the case. I think the main issue is the charges at this present time. It has nothing to do with the merit of the Bill, but in terms of the intent of the Bill, to charge particular private owners that have water wells going down from these water resources. The other thing is based on the findings, but is not in the Committee Report, Mr. Speaker, most of these wells that are being used by private firms, two things happen that I think we have to be very careful. One, is the government does allow these people due to the fact that CUC cannot provide them with the water. Second, it is due to the fact of the economic downfall, these particular companies that are against this particular charges didn't accept in this particular time. But in time line, they are willing to pay in on other amount of water after the complete consumption. But the Committee at this time is also looking forward to shelve that particular provision and to look forward to assist water wells. And that is the position of the Committee, Mr. Speaker.

Rep. Hofschneider: Point of clarification.

Speaker Fitial: State your point of clarification, Representative Hofschneider.

Rep. Hofschneider: The Chairman remarked that the companies that objected to the Bill that Representative Attao was discussing did in fact get support that they are willing to pay the excess amount of water being pumped after the calculated consumption?

Rep. Rosiky Camacho: That is one.

Rep. Hofschneider: Did they agree?

Rep. Rosiky Camacho: Yes. Let me clarify my statement on that. Based on DEQ, the rate of charges is not only on the volume but quality, and that is not even mentioned in the Bill, Mr. Speaker. The Committee again, is looking forward to work on that particular provision that our good Representative from Precinct III very much want to charge these wells. The Committee will look for ways not to charge them directly, but to assist them in some form, such as the testing fees and many others.

Speaker Fitial: But this is not part of the Bill?

Rep. Rosiky Camacho: That is not part of the Bill.

Speaker Fitial: It is not part of the Bill, but who gets to determine quality? Because, if you are not going to charge volume but quality that is going to be quite a cumbersome process.

Rep. Rosiky Camacho: Yes, Mr. Speaker. That is on the making of the Committee and that is why it is taking our time to do our findings and reasoning why we should do it and why we should not do it?

Speaker Fitial: But if they already agreed, these well owners have already agreed to pay for the consumption, now the question is, they don't want to pay on volume but they would pay on quality. That is going to take a while before they start paying.

Rep. Rosiky Camacho: The Committee will work hard, Mr. Speaker, to ensure that the good Representative from Precinct III, will have his Bill resurrected within another two months.

Rep. Attao: Point of clarification.

Speaker Fitial: State your point of clarification.

Rep. Attao: He mentioned about charging the private water well, yes indeed, Mr. Speaker, it is very clear. However, Mr. Speaker, in my Bill there is a provision that the private water well will be reimbursed on the cost or whatever expenses paid for installing the private water well. That is my clarification.

Speaker Fitial: That is in your Bill?

Rep. Attao: That is in my Bill.

Speaker Fitial: But, do you think the well operators would --

Rep. Attao: But I think the major problem here, Mr. Speaker, is the leadership policy on the earmarking. I think that is the main problem with my Bill.

Speaker Fitial: The earmarking?

Rep. Attao: Yes, the earmarking. But that earmarking, Mr. Speaker, is to be used for water exploration.

Speaker Fitial: But I strongly doubt that the well operators would be willing to go along with that arrangement where they would pay and later on be reimbursed. You know, this government doesn't practice...

Rep. Attao: Ready.

Speaker Fitial: Anymore? Representative Tony?

Rep. A. Camacho: (*Microphone off*) House Bill No. 12-175, I rest my case and I move to the previous question.

Speaker Fitial: Objection?

Rep. Hofschneider: No objection --

Speaker Fitial: State your objection.

Rep. Hofschneider: No objection on the motion, but I have something to discuss.

Speaker Fitial: That motion shall rest in peace. That motion was not recognized anyway, so, Representative Hofschneider, recognized.

Rep. Hofschneider: Thank you, Mr. Speaker. May I ask also the Chairman or the author of this Bill, if the promulgation of regulation applies to section (b) on page 3?

Rep. Rosiky Camacho: The language in there?

Rep. Hofschneider: No.

Speaker Fitial: Can you be more specific?'

Rep. Hofschneider: I noticed that Section (b) of page 3, on the water well did not have a provision to allow CUC to promulgate regulations it is just imposing or mandating that all water wells shall be metered. Now, there are multiple kinds of meters out there, there has to be a uniform standardize metering. If water well in existence has a meter then is that in conformance with this? What metering are we talking about, CUC's approved metering? Is it calibrated by CUC? Is it calibrated by the owner? You need to provide a mechanism for CUC to promulgate in accordance with that language.

Speaker Fitial: Well, let us find out. Are any of these private wells metered? Maybe that is the first question we should ask?

Rep. Hofschneider: Some.

Speaker Fitial: Some are metered?

Rep. Rosiky Camacho: Some are being upgraded, but they are metered.

Rep. Benavente: Clarification.

Speaker Fitial: State your clarification.

Rep. Benavente: The Bill's intent is for CUC to monitor. So, even if it is metered by the private owners, I think the intent is still to have it metered so that CUC maybe able to monitor.

Speaker Fitial: I think that is the clear intent of this Bill. It is to have CUC do the metering, because you know how people are, they are very talented when it comes to metering.

Several members voiced, "ready".

Speaker Fitial: Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-175, Committee Substitute 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. Rosiky F. Camacho	yes
Rep. Antonio M. Camacho	yes
Rep. Florencio T. Deleon Guerrero	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. 12-175, Committee Substitute, passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Mr. Speaker, can we have two minutes recess? I would like to consult with the counsel.

Speaker Fitial: Two minutes recess.

The House recessed at 11:27 a.m.

RECESS

The House reconvened at 11:40 a.m.

Speaker Fitial: The House shall reconvene. Floor Leader?

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

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. The House stands recess until 10:00 a.m. tomorrow.

The House recessed at 11:40 a.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

H. L. B. NO. 12-12: A Local Bill for an Act to establish a Wildlife Conservation area on the Island of Tinian from the Suicide Cliff region of Tinian to the Rion Point area; and for other purposes. (REP. NORMAN S. PALACIOS 8/8/00) **3rd appearance**

H. L. B. NO. 12-13: A Local Bill for an Act for the Second Senatorial District to prohibit hunting, crapping, harassing, and disturbing and interfering with the Micronesian Starling; a punish for Aploris/Opaca “Sali” within the Second Senatorial District; and for other purposes. (REP. NORMAN S. PALACIOS 8/8/00) **3rd appearance**

H. L. B. NO. 12-14: A Local Bill for an Act for the Second Senatorial District to create a Marine Reserve on Tinian which shall extend from the north point of the municipal break water to the Puntan Diablo; and for other purposes. (REP. NORMAN S. PALACIOS 8/8/00) **3rd appearance**

H. L. B. NO. 12-15: A Local Bill for an Act for the Third Senatorial District to place within the Mayor's discretion whom shall be designated to act in his absence; and for other purposes. (REP. JESUS T. ATTAO and five others 8/8/00) **3rd appearance**