

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

FOURTH DAY

August 15, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Fourth Day, Second Regular Session, on Tuesday, August 15, 2000, at 10:32 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 Fourth Day of our Second Regular Session.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

H. B. NO. 12-244: A Bill for an Act to establish fisheries conservation jurisdiction known as the Northern Mariana Islands Fisheries Act of 2000; and for other purposes.

Offered by: Rep. Heinz S. Hofschneider and two others
Referred to: Committee on Natural Resources

H. B. NO. 12-245: A Bill for an Act to amend the Auditing Act to avoid duplication of actions by the Office of the Public Auditor and the Division of Revenue and Taxation; to repeal 1 CMC, § 7831; and for other purposes.

Offered by: Rep. Antonio M. Camacho and two others
Referred to: Committees on Judiciary and Governmental Operations and Ways and Means

H. B. NO. 12-246: A Bill for an Act to make appropriations for the operations and activities of the CNMI Government and its instrumentalities; and for other purposes.

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

H. B. NO. 12-247: A Bill for an Act to amend Title 6, Division 3, Chapter 1, § 3108 (a) and (b); and for other purposes.

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

INTRODUCTION OF RESOLUTIONS

None

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Move for the adoption of Standing Committee Report No. 12-144.

S. C. R. NO. 12-144: Reporting on House Bill No. 12-158, entitled, “To amend 3 CMC, Sections 1102, 1104, 1141, 1142, 1151, 1152, 1163, 1181, 1315; 1 CMC, Sections 2268, 2271, 2272; and for other purposes.” *Your Committee on Education recommends passage in the form of HB 12-85, CDI.*

Speaker Fitial: Discussion?

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Just a note to the members on the second page, changes have been made in between the word “board” and “for”, and on the bottom of the conclusion section, Item No. III, the Committee Report should indicate “Committee Draft 1” instead of “House Draft 1”. It is just a typo, Mr. Speaker. Ready.

The motion to adopt Standing Committee Report No. 12-144 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, before we act on the Bill, I would like to move and recall House action on House Bill No. 12-131 from the Governor, under Standing Committee Report No. 12-78 for reconsideration.

The motion was seconded.

Speaker Fitial: Does every member have a copy of the memo from the Secretary of Finance?

Rep. Hofschneider: It is being circulated. Under discussion, Mr. Speaker.

Speaker Fitial: Discussion?

Rep. Hofschneider: Thank you, Mr. Speaker. Briefly for the members, we've been going at this provision for the last three years. The Bill attempts to give 100% rebates to those individuals who have been compensated for land taking by way of receiving cash compensation rather than land compensation. Now, Finance is disagreeing with the language provided under the Bill, which takes that the amount offset base is the amount paid by the government to the land owner notwithstanding of subsection (c) of this section and the rebate offset amount is the 100% of the rebate offset. Now, the intention is, for one, commonsense. If a person is compensated One Hundred Thousand Dollars and for instance, the tax obligation under the One Hundred Thousand Dollars land compensation is Five Thousand Dollars or roughly 5%, then, logically and commonsense dictates that the government is only talking on obligation to reimburse the full rebate of the Five Thousand Dollars not the One Hundred Thousand Dollars as being stipulated in their memo. But rather than to argue on the basis of a shade of ambiguity, we might as well conform to their request, Mr. Speaker, and expedite this legislation so that those individuals who have been waiting, particularly, when the school is just about to open or opened recently, they need the money for family purposes. I would ask and I am asking the indulgence of the members, to support and recall the action of the House and provide for the recommended amendment such as on the last paragraph of the memo, lines 13 to 16, add, "tax on the amount paid for the land" as opposed to the provided language in the Bill. We have worked with their people in the Tax Office and also our counsel here, Tony, had helped drafted this particular legislation. But let us try and accommodate their reservation and do away with this issue. Thank you.

Speaker Fitial: Further deliberation?

Floor Leader Babauta: Ready.

Speaker Fitial: Roll call.

The Clerk called the roll on the motion to recall and reconsider House action on House Bill No. 12-131, transmitted to the Governor, 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	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. 12-131 is now being recalled and referred to the Ways and Means Committee. 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. 12-82, Committee Draft 1.

The motion was seconded.

H. B. NO. 12-82, CD1: TO ESTABLISH A MECHANISM REGULATING THE CNMI-BASED TRUST COMPANIES; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion?

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, earlier, I believe all the members have copies of the same Bill, as it appears, I would like to introduce officially, “House Draft 1” to be replaced with “Committee Draft 1”.

The motion was seconded.

Speaker Fitial: Discussion on the proposed amendment? Discussion on House Bill No. 12-82, Committee Draft 1, House Draft 1?

Rep. Attao: Mr. Speaker, is that on 12-158?

Speaker Fitial: No. This is House Bill No. 12-82.

Rep. Attao: Ready.

Speaker Fitial: So, we are voting on the amendment.

The motion to adopt the Amendment offered by the Floor Leader on House Bill No. 12-82, Committee Draft 1, was carried by voice vote.

Speaker Fitial: The motion carries. Now, back to the main motion. Floor Leader?

Floor Leader Babauta: I now move for the passage of House Bill No. 12-82, Committee Draft 1, House Draft 1, on First and Final Reading.

The Clerk called the roll on the motion to pass House Bill No. 12-82, Committee Draft 1, 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. 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. 12-82, Committee Draft 1, House 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 Reading House Bill No. 85, Committee Draft 1.

The motion was seconded.

H. B. NO. 12-158, CD1: TO AMEND 3 CMC, SECTIONS 1102, 1104, 1141, 1142, 1151, 1152, 1163, 1181, 1315; 1 CMC, SECTIONS 2268, 2271, 2272; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: On page 2, line 14, may we include “the maintenance” -- we seem to leave it out of all facilities... – I’m sorry, I take that back. Ready.

Rep. Attao: Under discussion, Mr. Speaker.

Speaker Fitial: Discussion, Representative Attao.

Rep. Attao: I have an oral Floor Amendment to offer. On page 4, insert Section 3...

Rep. Hofschneider: Point of order.

Rep. Attao: I have a written oral Amendment, Mr. Speaker, so the point of order is irrelevant at this point in time.

Rep. Hofschneider: Objection. We need to see the amendment.

Speaker Fitial: You may go ahead and read your written oral amendment.

Floor Leader Babauta: Mr. Speaker, no objection from the floor.

Rep. Attao: Oral written amendment, Mr. Speaker. On page 4, insert “Section 3, to amend 3 CMC, 1191, authorization for appropriation and transfer of funds is hereby amended to read: The Secretary of Finance shall on a quarterly basis disburse funds –

Rep. Jones: Second.

Rep. Attao: I haven’t finish yet. Let me finish –

Speaker Fitial: Short recess.

The House recessed at 10:45 a.m.

RECESS

The House reconvened at 10:48 a.m.

Speaker Fitial: The House shall reconvene. We are still deliberating on the motion to pass House Bill No. 12-158, Committee Draft 1, on First Reading. Representative Attao?

Rep. Attao: I would like to recall my written Floor Amendment so that the Committee on Education will take the necessary amendment needed to amend Public Law 6-10. Thank you.

There was no objection raised.

Speaker Fitial: Okay. So the amendment offered by Representative Attao has been withdrawn. Further discussion? Ready?

The motion to pass on First Reading House Bill No. 12-158, Committee Draft 1, was carried by voice vote.

Speaker Fitial: House Bill No. 12-158, Committee Draft 1, passes the House on First Reading. Anymore Bills on the Calendar?

Floor Leader Babauta: None, Mr. Speaker.

MISCELLANEOUS

None

ANNOUNCEMENTS

The Chair recognized Rep. Peter.

Chairperson Peter: Thank you, Mr. Speaker. The Committee on Health and Welfare scheduled a meeting this afternoon at 1:30 with the Insurance staff from the Retirement. So, please committee members don't forget at 1:30 and anybody else is interested they are most welcome. Thank you.

Speaker Fitial: Representative Rosiky Camacho.

Chairman Rosiky Camacho: Thank you, Mr. Speaker. This is a reminder on change of time, the PUTC Committee have moved their meetings due to sessions, 1:30 p.m. on Mondays, and on September 11, at 1:30 p.m., we will be having a public hearing on the electronic signature. You guys are all welcome to hear the public hearing here on the island of Saipan. Tinian and Rota will be forthcoming on their time and date. Thank you, Mr. Speaker.

Speaker Fitial: Anymore announcements? Representative Bobby?

Chairman Deleon Guerrero: The Commerce and Tourism Committee will be having a meeting tomorrow at 1:30 p.m. Thank you.

Speaker Fitial: Anymore announcements? I would like to remind all the members that there is a meeting this afternoon at 3:00 right here in the Chamber with the Youth Congress coordinators. This meeting was postponed yesterday, due to no show. So, the coordinators are asking that we attend the three o'clock meeting this afternoon. They are having election, I believe next month, September 18, so they want to coordinate with us, Precinct Elections. So, I urge everybody to attend.

Chairperson Peter: Mr. Speaker, is this for every member or only members that are part of the –

Speaker Fitial: Unless, your precinct has already designated a representative. If you are not that representative then you are excused. Also, because of the committee meetings on Friday morning, I would like to call our schedule Friday session to be held in Tinian, this week Friday at 2:00 p.m. So, we will not be having our Friday session in the morning instead we will be having it in the afternoon at two o'clock.

Rep. Hofschneider: Is dinner included?

Speaker Fitial: Lunch and dinner will be served.

Rep. Hofschneider: Where is the session?

Speaker Fitial: The session – Chairman Palacios, since last night he started building a convention center. Chairman Palacios?

Chairman Palacios: I will announce later.

Speaker Fitial: You will announce later? The Joint Session to receive the State of the Commonwealth Address is now being planned for Monday, the 21st, of course down at the Multi-Purpose Center. So, by tomorrow morning we will know exactly whether this Joint Session will materialize and if it will materialized then we need to be there. Because it will

be at nine o'clock in the morning, the attire will be formal. Everybody, including the counsel, House Clerk, Senate Clerk, will be wearing coat and tie. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. I move to recess until tomorrow morning at 11:00.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries.

The House recessed at 10:55 a.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives