

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

FOURTEENTH DAY

August 30, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Fourteenth Day, Second Regular Session, on Wednesday, August 30, 2000, at 11:27 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), sixteen members were present. Representatives Jesus T. Attao and Stanley T. Torres were excused.

Speaker Fitial: A quorum is duly constituted for the Fourteenth Day of our Second Regular Session. All members absent are excused.

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

Floor Leader Babauta: So move, Mr. Speaker, for the adoption of the Eighth Day, Second Regular Session journal.

The motion was seconded.

Eighth Day, Second Regular Session (8/21/00)

There was no discussion raised. The motion to adopt the Eighth Day, Second Regular Session journal was carried by voice vote.

Speaker Fitial: The motion carries.

INTRODUCTION OF BILLS

The Chair recognized Rep. Pangelinan.

Rep. Pangelinan: Good morning, Mr. Speaker, and thank you. At the request of many betelnut plantation owners on Saipan, I have a bill to introduce as follows:

H. B. NO. 12-262: A Bill for an Act to prohibit the importation of betelnut and pepper leaf into the CNMI; and for other purposes.

Offered by: Rep. Thomas B. Pangelinan
Referred to: Committee on Ways and Means

H. B. NO. 12-263: A Bill for an Act to regulate car towing on public highways and roads; and for other purposes.

Offered by: Rep. Brigida DLG. Ichihara
Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 12-264: A Bill for an Act to separate the Division of Corrections from the Department of Public Safety; and for other purposes.

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

H. B. NO. 12-265: A Bill for an Act to eliminate companies providing services for the garment industry who should be considered as part of the garment industry rather than separate industry.

Offered by: Rep. Benigno R. Fitial
Referred to: Committee on Commerce and Tourism

Speaker Fitial: It should be considered as part of the industry in the first place. This is to stop the circumvention of garment workers quota to bring in trimming, washing, embroidery and everything into the garment industry umbrella. So, a garment cannot come in with only 300 quota workers, set up a company to bring in another 300.

H. L. I. NO. 12-5: A Legislative Initiative proposing to amend Article III, Section 20, subsection (b), of the Constitution of the Commonwealth of the Northern Mariana Islands regarding re-employment of retired doctors, nurse, other medical professionals and classroom teachers.

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

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-78: A House Resolution urging the President of the United States and the U. S. Congress to fully fund the Individuals with Disabilities Education Act (IDEA), particularly Part B (Grants to States).

Offered by: Rep. Maria “Malua” T. Peter
Referred to: Committee on Health and Welfare

H. R. NO. 12-79: A House Resolution to request the Marianas Visitors Authority, the Aviation Task Force, and Commonwealth Ports Authority to encourage All Nippon Airways to renew air services to the Northern Mariana Islands.

Offered by: Rep. David M. Apatang
Referred to: Committee on Commerce and Tourism

Rep. Martin B. Ada came in at 11:33 a.m.

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. I believe there is one more committee report being copied we can come back for that later on. That would probably be on a First Reading basis. With that, Mr. Speaker, I move for the adoption of Standing Committee Report Nos. 12-157, reference to Senate Bill No. 12-2, and 12-158, reference to House Bill No. 12-123.

S. C. R. NO. 12-157: Reporting on Senate Bill No. 12-2, entitled, “To amend 3 CMC § 4322(d) to permanently ban a deported alien from reentry into the Commonwealth; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends passage of the bill.*

S. C. R. NO. 12-158: Reporting on House Bill No. 12-123, entitled, “To increase fresh water supply through water catchment system; and for other purposes.” *Your Committee on Public Utilities, Transportation and Communications recommends passage in the form of HB 12-123, CDI.*

Speaker Fitial: Discussion?

Several members voiced, “ready”.

Floor Leader Babauta: Mr. Speaker, just a note on 12-158, probably a typo, on the second page on line 1, under “History” – the bill number that is shown probably this might be – is this 1998 or 1988?

Rep. Rosiky Camacho: 1998.

Floor Leader Babauta: House Bill No. 6-26 is the Sixth Legislature’s product.

Speaker Fitial: Can we adopt the motion first so we can go into discussion and modification?

The motion to adopt Standing Committee Report Nos. 12-157 and 12-158 was seconded and carried by voice vote.

Speaker Fitial: The motion carries.

RESOLUTION CALENDAR

None

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the suspension of Rule IX, Sections 9 and 10 for the passage on First and Final Reading the following bills: Senate Bill No. 12-2, under Standing Committee Report No. 12-157 and House Bill No. 12-123 under Standing Committee Report No. 12-158.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Passage motion, Floor Leader?

Floor Leader Babauta: So move, Mr. Speaker, for the passage on First and Final Reading, Senate Bill No. 12-2.

The motion was seconded.

S. B. NO. 12-2: TO AMEND 3 CMC   4322(D) TO PERMANENTLY BAN A DEPORTED ALIEN FROM REENTRY INTO THE COMMONWEALTH; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass Senate Bill No. 12-2 on First and Final Reading as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	excused
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	excused
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: Senate Bill No. 12-2 passes the House on First and Final Reading. Next passage motion.

Floor Leader Babauta: So move, Mr. Speaker, for the passage on First and Final Reading, House Bill No. 12-123, Committee Substitute 1.

The motion was seconded.

H. B. NO. 12-123, CS1: TO INCREASE FRESH WATER SUPPLY THROUGH WATER CATCHMENT SYSTEM; AND FOR OTHER PURPOSES

Speaker Fitial: Discussion? Floor Leader?

Floor Leader Babauta: Mr. Speaker, probably just maybe a typographical error on the Committee Report on page 2 under, “**II. ANALYSIS: A. HISTORY:**” – this should probably be 1988.

Rep. Rosiky Camacho: 1990.

Floor Leader Babauta: 1990?

Rep. Rosiky Camacho: Because House Bill No. 6-26 became Public Law in 1990.

Floor Leader Babauta: It says, “History: January 1998 – House Bill 6-26...” –

Rep. Rosiky Camacho: And if you go down the line –

Floor Leader Babauta: 1998 is Eleventh Legislature.

Speaker Fitial: 1998 should read 1988, is that what are you trying to say?

Floor Leader Babauta: Yes.

Speaker Fitial: Anymore discussion? Representative Hofschneider?

Rep. Hofschneider: On page 3, line 17, I think that it’s a good intention to initiate or provide for incentive for any personal business that totally relies on public water. But I have a problem with a person or business establishment that presently does not have a water catchment are these the only group of people that would qualify under the tax credit? What if a household has a catchment that is out of a 55 gallons drum? Would that constitute water catchment and he or she cannot be entitled under this Act?

Speaker Fitial: Representative Tony Camacho?

Rep. A. Camacho: Mr. Speaker, I think it is on page 2, Section 3, that is the answer for 3000 gallons.

Rep. Hofschneider: Page 2?

Rep. A. Camacho: Page 2, under qualified expenses, it answers your –

Speaker Fitial: I see... 3000 gallons. That is clear.

Rep. A. Camacho: 3000 gallons.

Speaker Fitial: That is clear.

Rep. Hofschneider: So this will be a minimum?

Speaker Fitial: Yes, that is the minimum 3000 gallons. Representative Benavente?

Rep. Benavente: I just wonder if we should concern ourselves with enforcement or proof of the construction and I know that everybody will take advantage this offer. I see that we are going to require a documents to be submitted, but is there a provision that requires someone

from Revenue and Taxation to go see if the tank is actually built and is it catching water. Because, again, the intent is to assist the water distribution system by providing water tanks and I think there should be some kind of enforcement.

Speaker Fitial: That would be under Section 5.

Rep. Benavente: Rules and Regulations – I guess then for history on this legislation that the promulgation of regulation by CUC take into consideration some kind of requirement that this Water System Act must be in fact working and benefiting the households. Thank you.

Speaker Fitial: Anymore discussion? Representative Hofschneider?

Rep. Hofschneider: Just to follow up on Representative Benavente's comments, I see that on Section 5, the Rules and Regulations will be promulgated. But I'm still unclear as to – let's say that the floor is 3000 gallons as stipulated on Section 3, subjective as to building the same 3,000 gallons and yet one can construct it for \$1500.00 and the other one is \$10,000.00. Would that be taken care under the Rules and Regulations as to the acceptability of the tax credit?

Speaker Fitial: Of course. I don't think that would be fair if one builds 10,000 gallons versus a minimum of 3,000 gallons.

Rep. Hofschneider: No. Both individuals built 3,000 gallons tank and yet one is asking for a tax credit of \$15,000.00 and the other one at the maximum of \$10,000.00, because that is happening now. That is the problem that it didn't work in the first place.

Speaker Fitial: Because of the price gauging?

Rep. Hofschneider: Price gauging.

Rep. Rosiky Camacho: Mr. Speaker?

Speaker Fitial: Go ahead.

Rep. Rosiky Camacho: I think the other thing that has on the tax credit expense is also included on page 2, line item 12, which it talks about the materials used and other equipment or -- that would include under cost of 3,000 gallons.

Speaker Fitial: But I think under Section 5, they should ensure that the disparity would not occur.

Floor Leader Babauta: Ready.

Rep. Rosiky Camacho: Ready, Mr. Speaker.

Speaker Fitial: Ready for the question? -- Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-123, Committee Substitute 1, on First and Final Reading as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	excused
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	excused
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: Senate Bill No. 12-123, Committee Substitute 1, (Fresh Water) passes the House on First and Final Reading. Anymore Bills?

Floor Leader Babauta: None, Mr. Speaker.

Speaker Fitial: Okay. Miscellaneous?

MISCELLANEOUS BUSINESS

Chairman Jones: Mr. Speaker?

Speaker Fitial: Representative Jones?

Chairman Jones: Floor Leader, are we going to accommodate the retirement bill?

Speaker Fitial: Where is the bill?

Floor Leader Babauta: I don't know.

Speaker Fitial: I thought you said there is one more committee report?

Floor Leader Babauta: There suppose to be one, as I understood earlier, Mr. Speaker. I have not seen any copy of it yet.

Speaker Fitial: Can we schedule that for tomorrow morning?

Chairman Jones: Okay.

Speaker Fitial: Anymore Miscellaneous? Announcements.

ANNOUNCEMENTS

The Chair recognized Chairman Rosiky Camacho.

Chairman Rosiky Camacho: Mr. Speaker, due to a lot of needs to be looked at regarding the Marina the PUTC Committee would like to air with the leadership on Thursday, at 3:00 p.m. to meet and discuss for the preparation of the Public Hearing on September 5th, since –

Speaker Fitial: Does the Committee plan to have more than one public hearing?

Chairman Rosiky Camacho: Yes. We are calling now about 27 that have been asked to be present on September 5th and try to confirm with them who is able to be present on the 5th and if they can't they can make it on the 6th of September. So, we will have two days Public Hearing in regards to House Bill No. 12-250, in reference to tour operators in regards to the Marina.

Speaker Fitial: Chairwoman Ichihara?

Chairwoman Ichihara: Education Committee meeting today at 2:00 p.m.

Speaker Fitial: Recognized, Representative Hofschneider.

Rep. Hofschneider: Mr. Speaker, I believe the Senate did not accommodate then the House to join in the Marina hearing going on right now.

Speaker Fitial: Chairman Rosiky attended the hearing briefly before the session. But were you invited?

Chairman Rosiky Camacho: No, Mr. Speaker. There is no official invitation from the Senate.

Rep. Benavente: If I may provide one information, Mr. Speaker?

Speaker Fitial: Proceed.

Rep. Benavente: I just came from the hearing just in time to hear, Mr. Pelligrino, of course the Chairman and the Committees are trying to hold these hearing to try to resolve the many problems that we have right now, but Mr. Pelligrino had already accused the Senate Chairman for having the hearing as a kangaroo court and basically just stepped out again. So, I hope that that doesn't happen when our Chairman calls for an oversight hearing.

Speaker Fitial: No. Our Chairman has never been to Australia. Chairwoman Peter?

Chairwoman Peter: Mr. Speaker, the Chairman left before he... I extended the invitation from Floor Leader Reyes, for the committee and the members to join in the hearing this morning and also continuing after our session. I did mentioned that and he left before I –

Speaker Fitial: There was no written –

Chairwoman Peter: There was no written invitation. Thank you.

Speaker Fitial: Do you plan to invite them in writing, Mr. Chairman?

Chairman Rosiky Camacho: No comments, Mr. Speaker.

Speaker Fitial: Recess motion, Floor Leader.

Floor Leader Babauta: So move until 10:00 a.m. tomorrow.

The motion was seconded and carried by voice vote.

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

The House recessed at 11:48 a.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives