

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

FIFTEENTH DAY

August 31, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Fifteenth Day, Second Regular Session, on Thursday, August 31, 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), seventeen members were present. Representative Jesus T. Attao was excused and Representatives Diego T. Benavente, Thomas B. Pangelinan and William S. Torres came in late.

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

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

H. B. NO. 12-266: A Bill for an Act to create a commission of Peace Officer Standards and Training; and for other purposes.

Offered by: Rep. Rosiky F. Camacho

Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 12-267: A Bill for an Act to identify revenues and make appropriations commencing Fiscal Year 2002 for acquisition of private properties needed to open and develop Texas Road on Saipan; and for other purposes.

Offered by: Rep. Rosiky F. Camacho and one other

Referred to: Committees on Judiciary and Governmental Operations, Natural Resources and Public Utilities, Transportation and Communications
(PER REQUEST)

Rep. Thomas B. Pangelinan came in at 10:40 a.m.

INTRODUCTION OF RESOLUTIONS

None

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: I move for the adoption of Standing Committee Report No. 12-159, reference to House Bill No. 12-109.

The motion was seconded.

S. C. R. No. 12-159: Reporting on House Bill No. 12-109, entitled, “To amend 1 CMC Division 8 by adding a new section 8335, and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends that the House pass the bill in the form of H.B. 12-109, CS1.*

Speaker Fitial: Discussion?

Sever members voiced, “ready”.

The motion to adopt Standing Committee Report No. 12-159 was carried by voice vote.

Speaker Fitial: The motion carries. Bill Calendar.

Rep. William S. Torres came in at 10:43 a.m.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: I move for the suspension of Rule IX, Sections 9 and 10 for the placement and passage on First and Final Reading House Bill No. 12-109, Committee Substitute 1, under Standing Committee Report No. 12-159.

The motion was seconded.

Speaker Fitial: Discussion?

Rep. Jones: Ready.

Speaker Fitial: Any discussion?

Several members voiced, “ready”.

The motion to suspend Rule IX, Sections 9 and 10, for the placement and passage on First and Final Reading House Bill No. 12-109, CS1, was 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, House Bill No. 12-109, Committee Substitute 1.

The motion was seconded.

H. B. NO. 12-109, CS1: A BILL FOR AN ACT TO AMEND 1 CMC DIVISION 8 BY ADDING A NEW SECTION 8335, AND FOR OTHER PURPOSES.

Speaker Fitial: Is this for First and Final Reading, Floor Leader?

Floor Leader Babauta: I’m sorry, First Reading.

Rep. Jones: First and Final Reading.

Speaker Fitial: First and Final Reading?

Floor Leader Babauta: I restate my motion, Mr. Speaker. To clarify the motion, passage on First and Final Reading.

The motion was seconded.

Speaker Fitial: Okay. Discussion?

Several members voiced, “ready”.

Speaker Fitial: Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-109, CS1, 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	excused
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. Pangelinan: Can I just make one comment, if there's no objection, Mr. Speaker?

Floor Leader Babauta: No objection, Mr. Speaker.

Speaker Fitial: Okay, there is no objection.

Rep. Pangelinan: I just need a clarification on the word "spouse". Can we define it?

Speaker Fitial: Representative Jones, do you have a definition for "spouse"?

Rep. Jones: It is one or the other, either one.

Rep. Hofschneider: I see what you mean. May I add to that? If both genders are members of the Fund and the female has more credit and wants to transfer with the male, that will be equivalent to "spouse" and vice versa?

Rep. Jones: Yes.

Rep. Pangelinan: Another...

Speaker Fitial: Go ahead?

Rep. Pangelinan: The word "married" – (*inaudible*)

Rep. Jones: Counsel?

Speaker Fitial: Go ahead.

Rep. Apatang: Are we in recess?

Speaker Fitial: No.

Rep. Apatang: So, it is up to the individual member to apply for survivor's benefit plan, correct? So, even if you're commonly married or whatever, commonly living together, and... they don't recognize that?

Speaker Fitial: No. They don't recognize.

Rep. Apatang: Even if you have the ring?

Speaker Fitial: They don't recognize living together without legally married. That would present somewhat difficult problems because a lot of people are living together with many.

Rep. Pangelinan: That is exactly what I'm trying to – (*inaudible*)

Speaker Fitial: Right. So, that is why the regulation did not --

Rep. Peter: They are living happily together, but they don't have license yet.

Speaker Fitial: No. The regulation did not qualify living together.

Rep. Jones: Lawful marriage.

Rep. Pangelinan: Ready, "yes".

Speaker Fitial: Ready? Roll call.

Rep. Thomas B. Pangelinan	yes
Rep. Maria "Malua" T. Peter	yes
Rep. Stanley T. Torres	no
Rep. William S. Torres	abstained
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-109, Committee Substitute 1, passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move to recall House Bill No. 12-73, under Standing Committee Report No. 12-26, from the Committee on Judiciary and Governmental Operations.

The motion was seconded.

Speaker Fitial: Copies are now being distributed. The motion to recall is undebatable. Roll call please.

The Clerk called the roll on the motion recall from the Committee on Judiciary and Governmental Operations House Bill No. 12-73 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	excused
Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	yes

Rep. Hofschneider: Mr. Speaker, what is the title of the bill?

Speaker Fitial: Technical amendments in Retirement Fund pension.

Rep. Hofschneider: 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	abstained
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-73 is recalled from the Committee and now it is on the Bill Calendar. Floor Leader?

Floor Leader Babauta: So move for the suspension, Mr. Speaker, of Rule IX, Sections 9 and 10 for the placement and passage on Second and Final Reading House Bill No. 12-73.

The motion was seconded.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: Yes. Oh! Perhaps I just answered my question. On Section 5, page 2 -- *estague, Mr. Speaker, hu' aliligao.* Ready.

Floor Leader Babauta: Ready for the suspension motion.

The motion to suspend Rule IX, Sections 9 and 10 for the placement and passage on Second and Final Reading House Bill No. 12-73 was carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: I now move for the passage on Second and Final Reading House Bill No. 12-73, under Standing Committee Report No. 12-26.

The motion was seconded.

H. B. NO. 12-73: A BILL FOR AN ACT TO AMEND TECHNICAL AMENDMENTS IN SECTIONS 1, 2, AND 3, OF P.L. 10-88, AND 1 CMC DIVISION 8341(d) AND 1 CMC 8344(f); AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion?

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Just on line 13, can we clarify that with the counsel, after the word "Section" does that has to read "Section 1", or "Section 2", or rather, line 13 should have read, "Section 3", right?

Speaker Fitial: No. It is correct, Section 2.

Floor Leader Babauta: Line 13, Section 2... – because line 1, says, "Section 1", line 4, "Section 2" and we have... can we get a clarification, Mr. Speaker, from our counsel?

Speaker Fitial: Recognized, counsel Ton Cabrera.

Counsel Antonio Cabarera was recognized.

Floor Leader Babauta: Mr. Speaker, I am just citing the numbering of the sections.

Speaker Fitial: No. It is the numbering of the sections, counsel -- we have Section 1, Findings; Section 2, Amendments, and we don't have any Section 3... line 19 becomes, "Section 3" and "Section 5" becomes "Section 4" and so forth...

Rep. Peter: Counsel, if this was to be signed into Law, would it be a retro to the current elected? Can we make it clear? Put it in a way that it will be clear that it is a retroactive to January of 2000? The Exemption...--

Floor Leader Babauta: Point of order, Mr. Speaker.

Speaker Fitial: State your point of order.

Floor Leader Babauta: Mr. Speaker, just so that we are in line with the discussion, I move for the suspension of Rule IX, Section 11, so that pertinent oral amendment can be offered by the members.

Rep. Peter: We are still in recess and we are discussing how to amend it.

Floor Leader Babauta: No. We are not in recess.

Rep. Peter: We are not in recess? So, why is the counsel being questioned?

Floor Leader Babauta: The Chair allowed him to answer my questions. The Chair ruled.

Rep. Peter: Okay. Can we go in recess please, Mr. Speaker, so we can discuss the amendment before we...?

Speaker Fitial: Short recess.

The House recessed at 10:53 a.m.

RECESS

The House reconvened at 11:05 a.m.

Speaker Fitial: The House shall reconvene. We are back to the motion to pass House Bill No. 12-73 on Second and Final Reading. Representative Peter?

Rep. Peter: Thank you, Mr. Speaker. I would like to offer an oral Floor Amendment, on Section 4, page 2, line 2, after the word “amended.” add a new sentence, “This exemption shall be effective retroactive to January 10, 2000.”

Rep. Jones: Second.

Rep. Peter: May I, again, read? -- This exemption shall be effective retroactive to January 10, 2000.

The motion was seconded.

Floor Leader Babauta: Ready.

Speaker Fitial: Discussion on the proposed Floor Amendment? Okay.

The motion to adopt the oral Floor Amendment offered by Representative Peter was carried by voice vote.

Speaker Fitial: The motion carries.

Floor Leader Babauta: We are ready for the question, Mr. Speaker.

Speaker Fitial: Ready? We are now voting for the passage motion on House Bill No. 12-73, House Draft 1, on Second and Final Reading. For the record, those members who are affected should abstain from voting. Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-73, HD1, on Second and Final Reading as follows:

Rep. Martin B. Ada	abstained (COI)
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	excused
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	excused
Rep. Antonio M. Camacho	conflict of interest
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Heinz S. Hofschneider	yes
Rep. Brigida DLG. Ichihara	abstained (COI)
Rep. Dino M. Jones	yes
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Norman S. Palacios	excused
Rep. Thomas B. Pangelinan	abstained (COI)
Rep. Maria “Malua” T. Peter	yes
Rep. Stanley T. Torres	conflict of interest
Rep. William S. Torres	abstained (COI)
Speaker Benigno R. Fitial	yes

Speaker Fitial: I would like the record to reflect that those four “abstention” votes are also conflict, to be very clear. House Bill No. 12-73, House Draft 1, passes the House on Second and Final Reading with a vote of “10” affirmatives and “6” conflicts. Miscellaneous.

MISCELLANEOUS BUSINESS

The Chair recognized Rep. Hofschneider.

Rep. Hofschneider: Mr. Speaker, since we are discussing and doing something about retirees, there is also... perhaps the good Chairman can look into this. There is a rash of problematic instances where individuals who, let's say, come to serious illness such as cancer, prevail themselves of the Sick Leave Bank. Once a person transfers over to the individual requesting his sick leave from the Sick Leave Bank, under the Law, I think that person is being asked to repay back the Sick Leave Bank and it does not go back into the person who contributed to the Sick Leave Bank. It is not only a tremendous burden on the individual who requested, to begin with, it is coming to a serious illness but it entails monetary value also. So, may we all take a look at this and correct this? Because I know of several instances where people who are really sick succumb to cancer for instance, find themselves either been taken off government employment because of long absences, or when they return they have this quandary of having to for pack the sick leave into the bank that does not go back to the individual who contributed. So, this is inequity in the system that we need to revisit it.

Chairwoman Peter: Mr. Speaker?

Speaker Fitial: Representative Peter?

Chairwoman Peter: I introduced a bill that addresses the concern here. So, I would like to ask the Chairman of the Judiciary and Governmental Operations Committee to look into that if it is not addressing the very issue so we can substitute it or amend the bill. I am sure I introduced a Bill early this year that has to do with the Sick Leave Bank.

Chairman Jones: Well taken. Thank you.

Speaker Fitial: Representative Rosiky Camacho?

Chairman Rosiky Camacho: Mr. Speaker, due to the findings of the transportation under the traffic condition, I would like to request in your good heart that, that Bill I just introduced be refer to three Committees: Judiciary and Governmental Operations, Natural Resources, and Public Utilities, Transportations and Communications. And under consideration, I would like to ask your good heart to refer that to Transportations Committee under the Committee on Public Utilities, Transportations and Communications.

Speaker Fitial: No objection, Chairman?

Chairman Jones: No objection, Mr. Speaker.

Speaker Fitial: Okay. Consider it done.

Chairman Rosiky Camacho: Thank you, Mr. Speaker.

Speaker Fitial: Representative Apatang?

Rep. Apatang: Thank you, Mr. Speaker. I would also like to ask the Chairman on Judiciary and Governmental Operations to expedite the Sick Leave Bank Bill. I have been approached by a lot of individuals involved in that issue, that area actually affected by the Sick Leave Bank issue. Thank you.

Chairman Jones: Well taken.

Speaker Fitial: Anymore?

Chairman Jones: Where are we, Mr. Speaker?

Speaker Fitial: Miscellaneous.

Chairman Jones: May I roll call? -- Is Mr. Jojo here from the Marianas Variety newspaper? If not, Mr. Speaker, I reserve my message for the Marianas Variety reporter, Mr. Jojo Dass, until his presence at a later session. Thank you.

Speaker Fitial: Anymore miscellaneous? Representative Lee Torres?

Rep. W. Torres: Thank you, Mr. Speaker. I just would like to update the members that, I think the Scholarship Board will be extending their self-imposed deadline on the Scholarship. And, I would like to thank you, Mr. Speaker and Chairwoman Ichihara, for that effort. It appears that there are a lot more people that are affected by this. So, it is a good decision on their part. Thank you.

Chairman Jones: Mr. Speaker?

Speaker Fitial: Chairman Jones?

Chairman Jones: With the indulgence of the members, I would like to ask for few minutes to share and enlightenment to the news media?

Speaker Fitial: Okay. You have five minutes.

Chairman Jones: Thank you. The record will show that this Body, the House of Representatives, that I know of and as the record speaks, has been very cooperative, very supportive of the presence and the participation of the media, namely, the radio stations in the CNMI, the newspaper, the television – cooperation and assistance to the point where at times reporters will just intrude impolitely not only to members in the Chamber, but to

particular members in their particular assigned room as an elected official. However, because of their desire and interest to give possible and maximum communication to the CNMI people and those abroad, it is in the best interest that the reports and I will name, Mr. Jojo Dass, from the Marianas Variety, to please, in the name of the people of the CNMI who rely on reporting to be factual, to be responsive and responsible at all times because there is a likelihood, if not a direct defective to the people of the CNMI who will be here for the rest of their lives. Giving a wrong report to the people is misleading the general public of the CNMI in the Commonwealth and it should not be the subsequent burden on the people in the coming years whose final destination will be rested in the CNMI. A report was made by Mr. Jojo Dass, that it has been my practice that when an election is coming or is near, I will pick a topic to permit my return to the Legislature and this is an erroneous, irresponsible and misleading statement. There is nothing in the record that will show that, and there is nothing in the court that will show that, and I don't appreciate and I will not take the spirit of communication as what has been communicated by Mr. Jojo Dass, of the Marianas Variety to the media, to the people in the CNMI, and to the people of the rest of the nation who are receiving Marianas Variety and reading particularly and issue that is irresponsible. Being an elected leader, it is my responsibility to introduce bills that are not only coming from my point of view, but bills that are coming from all sectors in the society. And therefore, that bill will then be converted into the process of the legislative requirement and that is through public hearing. But please, Mr. Jojo Dass, if you are here and you are here, put this in your head, that I am not making any political campaign during my tenure aside from during the election year and in fact, this is not an election year it is next year. So, you have to understand and get your facts together before you mention my name and before you write that article. Now, if you have a tendency of losing your mind, or not remembering what you are saying, or what you plan to say, as you have been doing in the past – you intruded my office without my permission and I welcome you. But I'm only asking you, Mr. Dass, to give me that courtesy as I have been given you, and please if you don't understand the communication, the message I have been giving you, come back. Call me up as you have been doing, and I'll be more than cooperative to return the call. But I ask, as of today, please bear in mind that you are dealing with lives of people, 70,000 people in the Commonwealth and don't make your message be dictated by those persons who don't understand or who don't know the facts because what you are reporting are fables. Thank you, Mr. Speaker.

Speaker Fitial: Anymore message to the reporters? Representative Peter?

Chairwoman Peter: I hope that the individual mentioned would quote what Representative Jones mentioned during this Miscellaneous so that the people would know and read the concern of the public because they are abusing their rights, misleading the public. Thank you.

Chairman Jones: I have no objection, Mr. Speaker.

Speaker Fitial: Announcements.

ANNOUNCEMENTS

The Chair recognized Rep. Rosiky Camacho.

Chairman Rosiky Camacho: Reminder, Mr. Speaker, today at 3:00 p.m. -- Public Utilities, Transportation and Communications Committee is asking the whole members and other interested in reference to House Bill No. 12-250.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Just to clarify, I believe the Grand Opening of Kagman Elementary School is tomorrow?

Speaker Fitial: Tomorrow at 10:00 a.m.

Floor Leader Babauta: So, do you wish to recess until tomorrow afternoon then?

Speaker Fitial: Representative Stanley Torres?

Rep. S. Torres: Just to announce to the members, if you need notary service I am available and it is free. You are welcome to knock on my doors at anytime.

Chairwoman Peter: Do you charge?

Rep. S. Torres: Free.

Chairwoman Peter: Thank you.

Speaker Fitial: What is the desire of the body? Does everyone want to participate in the Grand Opening of the Kagman Elementary School?

Chairwoman Ichihara: I love attend that, but at 1:30 p.m. the Commissioner, the Chairman of Ways and Means and I, are having a meeting and because it is very hard to get in touch with Doctor Inos, can it be little bit after 1:30 p.m.?

Rep. Hofschneider: Can we take a break tomorrow?

Chairman Jones: Mr. Speaker, the Committee on Judiciary and Governmental Operations Public Hearing in Rota on two bills.

Speaker Fitial: When?

Chairman Jones: Tomorrow.

Floor Leader Babauta: That is the Judiciary and Governmental Operations Committee days, Fridays.

Speaker Fitial: So, let us not meet tomorrow then.

Floor Leader Babauta: Reminder for the members, Holiday Picnic on Sunday so, whoever is tasked to provide, please do so.

Chairwoman Peter: Mr. Speaker, may I ask that we meet on Tuesday at 3:00 p.m.?

Rep. Hofschneider: Second.

Chairman Rosiky Camacho: I have a Public Hearing at 1:30 p.m.

Chairwoman Peter: That is your problem, but I am asking.

Speaker Fitial: Let us recess until Tuesday at 10:00 a.m. Any motion, Mr. Floor Leader?

Floor Leader Babauta: So move, Mr. Speaker, until Tuesday at 10:00 a.m.

The motion was seconded and carried by voice vote.

Speaker Fitial: The House recessed until Tuesday (9/05/00) at 10:00 a.m.

The House recessed at 11:24 a.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives