

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

SEVENTEENTH DAY

September 6, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Seventeenth Day, Second Regular Session, on Wednesday, September 6, 2000, at 11:42 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), fifteen members were present. Representatives Diego T. Benavente, Heinz S. Hofschneider and Norman S. Palacios were excused.

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

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, so move for the adoption of the 13th Day, Second Regular Session journal.

The motion was seconded.

13th Day, Second Regular Session (8/29/00)

There was no discussion raised.

The motion to adopt the 13th Day, Second Regular Session journal was carried by voice vote.

Speaker Fitial: The Thirteenth Day, Second Regular Session journal is adopted.

INTRODUCTION OF BILLS

H. B. NO. 12-269: A Bill for an Act to 4 CMC 5613; and for other purposes.

Offered by: Rep. David M. Apatang and two others
Referred to: Committee on Judiciary and Governmental Operations

H. B. NO. 12-270: A Bill for an Act to amend Title 9 Section 1304 of the Commonwealth Code, prohibiting the seizure of a persons drivers license prior to conviction for a crime or infraction.

Offered by: Rep. Dino M. Jones
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: Mr. Speaker, I move for the adoption of Standing Committee Report Nos. 12-161, reference to House Resolution No. 12-79, Committee Draft 1, and 12-162, reference to House Bill No. 12-254.

The motion was seconded.

S. C. R. 12-161: Reporting on House Resolution No. 12-79, entitled, “To request the Marianas Visitors Authority, the Aviation Task Force, and Commonwealth Ports Authority to encourage All Nippon Airways to renew air service to the Northern Mariana Islands.” *Your Committee on Commerce and Tourism recommends adoption in the form of H.R. 12-79, CDI.*

S. C. R. 12-162: Reporting on House Bill No. 12-254, entitled, “To control the usage of fire protection equipment and fire hydrants; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends that the House pass the Bill.*

Speaker Fitial: Discussion?

Several members voiced, “ready”.

The motion to adopt Standing Committee Report Nos. 12-161 and 12-162 was carried by voice vote.

Speaker Fitial: The motion carries. Resolution Calendar.

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: So move, Mr. Speaker, for the adoption of House Resolution No. 12-79, Committee Draft 1.

The motion was seconded.

H. R. NO. 12-79, CD1: A BILL FOR AN ACT TO REQUEST THE MARIANAS VISITORS AUTHORITY, THE AVIATION TASK FORCE, AND COMMONWEALTH PORTS AUTHORITY TO ENCOURAGE ALL NIPPON AIRWAYS TO RENEW AIR SERVICE TO THE NORTHERN MARIANA ISLANDS.

Speaker Fitial: Discussion? Floor Leader?

Floor Leader Babauta: Mr. Speaker, just for the benefit of the members, apparently the author probably... -- this is a typographical error on lines 14 and 15, the Committee decided to delete the strike-out because originally, the Resolution was introduced as a House Resolution and the second Resolving Clause indicated the Senate to be involve. But the Committee strongly assumed that the intention of the author is well taken on the heading of the Resolution, which is a House Resolution. So, it is just a typo.

Speaker Fitial: I have a proposed Floor Amendment, it could be oral or written, but since this is just a resolution, I would ask if there is no objection, to suspend the Rules for an oral Floor Amendment at this time.

Floor Leader Babauta: So move, Mr. Speaker, for the suspension of Rule IX, Section 11.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. I discussed this with the author the Resolution, Representative Apatang, and that is why I distributed copies of my September 5th letter to the Honorable Yamashita, a member of the Japanese DIET who visited us few months ago. And instead of requesting the agencies, my Floor Amendment would delete the agencies and the House will be requesting ANA instead. So, the heading would be "To request all Nippon Airways to renew air service to the Northern Mariana Islands." Delete after "request" all the way through "encourage" on the Heading. Delete lines 6 and 7 in its entirety. Then on line

9, after “hereby” delete the words “encourages” and all the following words until line 11 before “ANA”. So you remove, “encourages the members of the Aviation Task Force, Marianas Visitors Authority, and the Commonwealth Ports Authority to immediately commence negotiations with” and then after “hereby” on line 9, you insert the word “requests”, “the House hereby requests ANA to resume passenger service to the NMI.” That would be the amendment. So, instead of going to the agencies, we just request ANA to commence inaugurate services to the CNMI.

Rep. Peter: Second on the Amendment.

Rep. Apatang: Second.

Speaker Fitial: Discussion?

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: On the second Resolving Clause, Mr. Speaker, any changes there?

Speaker Fitial: I think we should include a certified copy transmitted to ANA and also the Honorable Yamashita.

Floor Leader Babauta: Strike out –

Rep. Attao: Also the Governor, Mr. Speaker.

Speaker Fitial: Yes of course. We need to always include the Governor.

Floor Leader Babauta: So, we strike-out “Aviation Task Force, Marianas Visitors Authority, and the Commonwealth Ports Authority” and insert, “ANA... –

Rep. Peter: The Governor and Yamashita.

Speaker Fitial: ANA, Governor, and the Honorable Tokuwo Yamashita.

Floor Leader Babauta: Ready.

Speaker Fitial: Okay.

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

Speaker Fitial: The motion carries. So, we are now back to the main motion to adopt House Resolution No. 12-79, Committee Draft 1, House Draft 1.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: So just that we will not return back for minor technical changes, I would like to ask the indulgence of the members to allow the House Clerk and the counsel to correct whatever is necessary on House Resolution No. 12-79.

Speaker Fitial: That is already a standing operating procedure for the Clerk to always make the corrections.

Floor Leader Babauta: Thank you. Ready for the question.

The motion to adopt House Resolution No. 12-79, CD1, HD1, was carried by voice vote.

Speaker Fitial: House Resolution No. 12-79, Committee Draft 1, House Draft 1, is adopted. Bill Calendar.

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 on First and Final Reading House Bill No. 12-254 under Standing Committee Report No. 12-162.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: So move, Mr. Speaker, for the passage on First and Final Reading House Bill No. 12-254.

The motion was seconded.

H. B. NO. 12-254: A BILL FOR AN ACT TO CONTROL THE USAGE OF FIRE PROTECTION EQUIPMENT AND FIRE HYDRANTS; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Attao?

Rep. Attao: Mr. Speaker, there is an existing statute and that statute is Public Law 11-56. I am just wondering as to whether or not House Bill No. 12-254 is in conflict with the existing statute and also in the Commonwealth Fire Safety Code, as adopted by this particular law P.L. No. 11-56?

Speaker Fitial: That is an interesting question. Does anybody have an answer to that? Representative Rosiky Camacho?

Rep. Rosiky Camacho: Mr. Speaker, to answer the good Representative from Precinct III, I think two months ago the Fire Department and CUC were present and they aired their concern in reference to fire hydrants. In that discussion it was also brought up that there is such activities in the usage of fire hydrant. They are authorized individuals but they were using improper tool to open up the fire hydrant and the recommendation from the Fire Department, a representative of the Chief, I think he is the Lieutenant, recommended that we need to be more specific in the usage and maintenance of the fire hydrant. So the existing Code that our good Representative is referring to acknowledge or identified that the existing Public Law 11-56, which is the Fire Code, is not clear in terms of the fire and fire hydrant in itself. So that is the reason why this particular proposed legislation is being proposed for this Body to approve as a request from the Fire Division.

Speaker Fitial: I think we have to clarify that because if it is not clear then we have to clarify. Representative Stanley Torres?

Rep. S. Torres: I think the Fire Department Personnel are not aware. They are the sole authority to control and enforce. They have that sole authority to issue penalties to violators. It is very clear in Public Law 11-56.

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

Speaker Fitial: State your point of clarification.

Floor Leader Babauta: I am sure Representative Attao is alluding as to whether or not the fire hydrant is included in Public Law 11-56 or is it otherwise identified as part of the Fire Code and not identifying it as who will be the responsible individuals in terms of constructing fire hydrants, maintaining it and who will authorize the usage, I guess.

Speaker Fitial: Representative Attao, can you clarify your concern?

Rep. Attao: My concern here, Mr. Speaker, is in Public Law 11-56, there is a provision as to the control of the fire hydrant and the inspection. My main concern here, Mr. Speaker, is on the Uniform Fire Safety Code, whether that is in additional to what we have now on House Bill No. 12-254? That is why I am asking the author to at least enlighten the members as to

whether or not House Bill 12-254 is beyond what we have now? Is this a new bill, or an amendment to P.L. 11-56 or the Uniform Fire Safety Code?

Speaker Fitial: Well, if it is an amendment it will state so. But if it is not then I don't see any notwithstanding any section here.

Rep. Attao: I am only asking, Mr. Speaker, if this is an amendment or if this is an additional to the existing statute? Because the Uniform Fire Safety Code, I am pretty much sure that this particular Bill is addressed under that provisions.

Rep. Rosiky Camacho: Mr. Speaker?

Speaker Fitial: Representative Rosiky Camacho?

Rep. Rosiky Camacho: Based on that discussion the Fire Division... -- this an additional statute to add on the existing Uniform Fire Safety Code.

Rep. Attao: In addition to that, Mr. Speaker, the Commissioner of Public Safety is mandated by Law to promulgate rules and regulations. Question number one is, whether there is any regulation governing the fire hydrant?

Speaker Fitial: Representative Peter?

Rep. Peter: Mr. Speaker, I was also approached by the Chief of Fire Division, Mr. Sablan, I am not sure if that is his title, he also brought same concern that we do not have anything regulating the fire hydrant and that is why this thing came about. It was calling since the beginning of this Legislature to see what we can do to regulate the usage fire hydrant because a lot of the members of the public would just open it on their own and use it, and we want that to be regulated and that is why this Bill came about.

Speaker Fitial: Representative Attao's concern is on Public Law 11-56, it provides that the Department of Public Safety shall promulgate rules governing fire hydrants. Is there anything in here that would provide that the fire – whoever is in charge of the Fire Division be charged with that task of promulgating rules and regulations? Floor Leader?

Floor Leader Babauta: Mr. Speaker, let me just say that the passage of H. B. No. 12-254 would in essence set the policies of fire hydrants and by virtue of the inherent authority of the Commission granted by statutory Laws, the Commissioner shall promulgate rules and regulations that has to do with fire hydrants and shall be carried by its personnel and that would be the Director of Fire Department.

Speaker Fitial: Is that your concern, Representative Attao?

Rep. Attao: Part of it, yes, Mr. Speaker. If it is not an amendment to the existing statute or to the Uniform Fire Code then I think the bill is okay. Otherwise, we need to ask the legal counsel as to whether or not this particular provision as stated in H. B. No. 12-254 is part of the Uniform Fire Code. Is it part of the Uniform Fire Code? So, if we have to pass this and it is covered under the Uniform Fire Code, it is redundant for us to pass this. There is an existing statute.

Speaker Fitial: Representative Rosiky Camacho?

Rep. Rosiky Camacho: Mr. Speaker, I think that is a very legitimate question from the good Representative. I just want to find out from him if he have that Uniform Code in front of him so he can just cited that particular provision in the existing Law?

Rep. Attao: Mr. Speaker, Public Law 11-56 cited all those things. That is why I am asking this question, whether or not the Chair has that information?

Rep. Rosiky Camacho: I want to find out if he has that information in front of him so he can cite that particular provision in this particular proposed legislation?

Rep. Attao: That is my next question, to ask you whether or not you have that rules and regulations? Because it is stated in P. L. 11-56. I am supporting the Bill but if the provision in this Bill is part of the Uniform Fire Code then I don't think it is necessary to pass this Bill?

Rep. Rosiky Camacho: Mr. Speaker, can we have a recess so that the legal counsel can defer to that particular Uniform Fire Code?

Speaker Fitial: If there is no objection?

Rep. Attao: No objection.

Speaker Fitial: Short recess.

The House recessed at 12:00 p.m.

RECESS

The House reconvened at 12:08 p.m.

Speaker Fitial: We are still discussing the passage motion on H. B. No. 12-254... –

Rep. Pangelinan: Just one last comment, Mr. Speaker?

Speaker Fitial: Representative Pangelinan?

Rep. Pangelinan: On Section 12, Mr. Speaker, the usage of fire hydrant, it does not exempt from any present emergency. For instance, I have a fire hydrant next to my house and if my house is on fire, threatens of well being of my family – I call the Fire Department and they are not in – and I tamper the fire hydrant to rescue my family and my entire belongings, then I will be prosecuted under Section 12. It doesn't give exemption for extreme emergency like that situation. We just... –

Rep. Peter: Line 7, I think answers your question same page.

Speaker Fitial: There is an exemption.

Rep. Pangelinan: How about Section 12, line 7?

Rep. Peter: Section 8, line 7.

Rep. Pangelinan: And, Mr. Speaker, Representative Ichihara voiced out her statement during the Miscellaneous Agenda concerning inconsistency of our agency in an effort to control fire or this assess ability.

Speaker Fitial: Well, but your concern is addressed and taken care by Section 8. In the even of an emergency you can tamper. And if you are not very sure that you can tamper, you can tell the Public Safety that in the event of the fire to your house don't bother. It is clear.

Rep. Pangelinan: Okay.

Speaker Fitial: *Sinedihao-ha.*

Rep. Rosiky Camacho: Ready.

Speaker Fitial: Ready? Anymore – anymore tampering?

Rep. Attao: May I offer a Floor Amendment, Mr. Speaker?

Speaker Fitial: Floor Amendment?

Rep. Attao: We are in recess, right?

Speaker Fitial: No. We are in session.

Rep. Attao: Mr. Speaker, I have a concern on page 2, line item 32, “two hundred fifty dollars, \$250.00 nor more than one thousand dollars, \$1,000.00..”, can I make an oral Floor Amendment to strike out “nor” and put “no more”? I don't know whether this is typo or...--?

Speaker Fitial: No. It is correct. In other words, the penalty cannot be less than \$250.00 and cannot be more than \$1,000.00. That is the penalty. Any violation or infraction of this statute, the penalty cannot be less than \$250.00 or more than \$1,000.00.

Rep. Attao: So the word is, “no”.

Speaker Fitial: No, “nor”.

Rep. Attao: Nor.

Speaker Fitial: Because you already not less, “nor”.

Floor Leader Babauta: Semantics.

Rep. Attao: Alright, ready.

Rep. Peter: Semantics.

Rep. Rosiky Camacho: So, semantics, Mr. Speaker, --

Speaker Fitial: No, no, this is not semantic, this is grammar.

Floor Leader Babauta: Ready.

Speaker Fitial: Ready? – Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-254 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	excused
Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Heinz S. Hofschneider	excused
Rep. Brigida DLG. Ichihara	yes
Rep. Dino M. Jones	yes
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Norman S. Palacios	excused
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. 12-254 passes the House on First and Final Reading. No more bills? None. Miscellaneous.

MISCELLANEOUS BUSINESS

The Chair recognized Rep. Jones.

Chairman Jones: Thank you, Mr. Speaker. I hope that the members and the public in the gallery will not be burden with repeating message that I delivered few days ago pertaining to a very controversial Bill, which I authored, namely, the Pregnancy and Childbirth Bill. The reason why I want to bring this again, because it has come to my attention that the Bishop, in fact, was mislead by the article written by the Marianas Variety newspaper reporter, Jojo Dass, and the Bishop as we know particularly as religious people is the Father of the Catholics here in the CNMI. That justified and if not agreed with my statement that, Mr. Jojo Dass, should report correctly the content of the Bill rather than a halfway reporting by putting in his personal opinion and by putting in his personal interpretation. I believe that that is the problem of his reporting. I reserve the right to say that this maybe a personal matter rather than a professional. Because being a professional writer, when you take a content of a bill before the public, one must report directly from what the content of the bill and not to opinionate the bill. A report can do that in an editorial or the appropriate column in the newspaper. If Mr. Jojo Dass, continue to ignore the call for his professionalism in reporting to the people of the CNMI, then such pursuit will force a consideration on my part to introduce a resolution of *personal nongrata* and it justifies. Because it affects the livelihood of the CNMI people not including those who reading abroad in the foreign countries where investors are and the tourists are, and the Federal Government, which is a close door to federal takeover. I am very disappointed, because, I as the author, I always wanted to make sure that he gets a copy of the bill and I expect him to do likewise. To be not personal, not opinionated, but to be professional and report the intent of the bill as provided and not to give his personal interpretation or personal opinion because it has shown that by doing that approach, it mislead the people, I don't know who else out there that have been mislead. But the fact of the matter is, our Father in the Catholic religion here in the CNMI has been mislead by that article. Jojo, is personal friend of mine, but the difference is, the professionalism that he is undertaking that ensuring that message to the public of bills that we introduce or the law that we enacted is confine in within the language as provided or call for. Thank you, Mr. Speaker.

Speaker Fitial: Personal nongrata resolution is very serious consideration on your part. Because if you sent that to the Manila Time, that's where he came from, and if you sent it

also to Ms. Villapenia, his mother in Mandaluyong or maybe in San Palog, it is going to really affect his future.

Chairman Jones: That is fine, Mr. Speaker, and I should respect that. But the future of the CNMI is my priority, so long as I remain in the elected leader's position. Thank you.

Rep. Pangelinan: Mr. Speaker, can I ask a very simple question to Representative Jones?

Speaker Fitial: Please. This is not debatable, but you may go ahead.

Rep. Pangelinan: So, anyone who has a different interpretation of his intention is being labeled as mislead, is that the contention?

Speaker Fitial: No. But the Bishop was mislead.

Chairwoman Ichihara: Can I...--?

Speaker Fitial: Please.

Chairwoman Ichihara: Thank you, Mr. Speaker. Since we were discussing about fire hydrants – there are certain homestead areas that have been cleared and they have put fire hydrants close to the road and after they fix the road the fire hydrants are buried. I am not sure... I think the respective government agencies should look at these things because it is a useless fire hydrant if it is only like this (gesturing a foot) showing above the ground. I am not sure how that is coordinated through CUC and Public Works and if we can seek better or more efficient way in dealing with these fire hydrants because we are going to end up having to put them up and it is either we get rid of them and put up another system or...? I don't know, Mr. Speaker, but I really like our group here to make that known to them that in an event that they are opening up homesteads again, that they do bury the fire hydrants before the road are put in place.

Speaker Fitial: Okay. I'll take that matter.

Chairman Ichihara: Thank you.

Rep. Pangelinan: Mr. Speaker?

Speaker Fitial: Proceed.

Rep. Pangelinan: Apparently, I had a long conversation with one of the Fire Department officials, and Chairwoman Ichihara was right. In Kagman, for instance, many fire hydrants are not functioning simply because they were installed way in advanced before the development of the houses. The roads and they had practically have buried through that development process. What they need to do is try to upgrade it reinstall new ones so that they

will be functionable. The one in front of my house and my neighbor have not been working, hopefully this bill will force them to make them work.

Speaker Fitial: Is it still working?

Rep. Pangelinan: No. It is not working. *Kada para bai hu o'mak taya hanom esta.*

Speaker Fitial: I'll look into that. Anymore good tidings? None? Announcements.

ANNOUNCEMENTS

The Chair recognized Rep. Jones.

Chairman Jones: Thank you, Mr. Speaker. The Committees on Judiciary and Governmental Operations and Natural Resources are having a Public Hearing this Friday at 2:00 p.m. Thank you.

Speaker Fitial: Representative Rosiky Camacho?

Chairman Rosiky Camacho: Reminder, Mr. Speaker, the Committee on Public Utilities, Transportations and Communications Public Hearing on House Bill No. 12-250 will be continued today at 1:30 p.m. and everybody is welcome to participate. Thank you.

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Joint Session tomorrow at 9:00 a.m., or is it Friday?

Speaker Fitial: Friday, tomorrow is Thursday.

Floor Leader Babauta: I am in a hurry to get pay day.

Speaker Fitial: Alright. Recess, Floor Leader?

Floor Leader Babauta: So move, Mr. Speaker, until tomorrow morning at 10:00.

The motion was seconded and carried by voice vote.

Speaker Fitial: The House stands recess until tomorrow morning at 10:00.

The House recessed at 12:23 p.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives