

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

TWENTY-FIFTH DAY

November 7, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Twenty-Fifth Day, Second Regular Session, on Tuesday, November 7, 2000, at 10:34 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 recorded present; Representative Diego T. Benavente was absent and Representative Thomas B. Pangelinan came in late.

Speaker Fitial: Representative Apatang is still on an official business and he is excused. Representatives Benavente and Pangelinan are on political leave. They are still riding high in cloud nine so we have to accommodate them for a while. Anyway just for your information before we proceed, the House Leadership is considering in hiring another attorney since we will be needing services of another in house counsel. This is in response to the request coming from the right side of the Chamber.

Rep. Hofschneider: The right side?

Speaker Fitial: The right side, because the sun has started to shine brighter on this side and it is rightfully righteous to provide them with the legal services they've been asking for. We will be having three legal counsels when we convene the Third Regular Session on the Second Monday of January next year.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

H. B. NO. 12-289: A Bill for an Act to authorize the appropriation of \$2,420,000.00 for the Northern Marianas Housing Corporation.

Offered by: Rep. Martin B. Ada and twelve others
Referred to: Committee on Ways and Means

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-96: A House Resolution to bestow upon DR. CECILIA LIZAMA SALVATORE, PH.D, a distinguished legislative recognition on the occasion of her historic achievement for the Commonwealth of the Northern Mariana Islands as the first Chamorro woman from the CNMI to be awarded a Doctor of Philosophy Degree (Ph.D) from the prestigious University of Texas at Austin; and for other purposes.

Offered by: Rep. William S. Torres and seventeen others

Rep. W. Torres: If there is no objection, I would like to place this on today's calendar for action, Mr. Speaker.

There was no objection raised.

Speaker Fitial: So ordered. Is this a native of Saipan? – So can we have that resolution numbered and also introduced by the Committee of the Whole?

Floor Leader Babauta: Ready.

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: So move, Mr. Speaker, for the adoption of Standing Committee Report No. 12-183, relative to House Bill No. 12-226.

The motion was seconded.

S. C. R. NO. 12-183: Reporting on House Bill No. 12-226, entitled, "Authorizing the use of and granting legal effect to electronic records and signatures and for other purposes." *Your Committee on Public Utilities Communications and Transportation recommends that the bill be passed in the form of H.B. 12-226, CSI.*

Speaker Fitial: Discussion?

Several members voiced, “ready”.

The motion to adopt Standing Committee Report No. 12-183 was carried by voice vote.

Speaker Fitial: The motion carries. Let us move down to Item 16 and then move back to Item 15 when the resolution is reproduced and copies distributed for action.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. I move for the suspension of Rule IX, Sections 9 and 10, so that we may act on House Bill No. 12-226, Committee Substitute 1 on today’s calendar.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. House Bill No. 12-226, Committee Substitute 1 is now placed on today’s Bill Calendar for First and Final Reading.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: So that we don’t come back for the suspension motion for oral amendment, I therefore, move for the suspension of Rule IX, Section 11, so that we may allow members to offer an oral floor amendment.

The motion was seconded and carried by voice vote.

Speaker Fitial: Passage?

Floor Leader Babauta: So move, Mr. Speaker, for the passage on First and Final Reading House Bill No. 12-226, Committee Substitute 1.

The motion was seconded.

H. B. NO. 12-226, CS1: A BILL FOR AN ACT AUTHORIZING THE USE OF AND GRANTING LEGAL EFFECT TO ELECTRONIC RECORDS AND SIGNATURES AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion?

Several members voice, “ready”.

Speaker Fitial: Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-226, CS1, on First and Final Reading as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	excused
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	absent
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	absent
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. 12-226, Committee Substitute 1, passes the House on First and Final Reading.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, just a short and I wish to congratulate the Chairman on PUTC, for the very well thought of the committee report regarding this electronic records and signatures. Thank you, Mr. Speaker.

Speaker Fitial: That should have been under Miscellaneous. Representative Jones?

Rep. Jones: Mr. Speaker, I know I am not in order because we already passed the subject legislation, but I just want to share something. I am naive on the electronic system -- the

only fear I have and I beg pardon for members to understand this of my being naive on this subject, the fear I have is the possibility of forgery and possibility of fake transaction with this electronic system. Thank you.

Speaker Fitial: I was told by Chairwoman Peter that the Sick Leave Bank Bill will be taken up tomorrow instead of today.

Floor Leader Babauta: No objection.

Speaker Fitial: Let us go back to the Resolution Calendar.

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the suspension of Rule VII, Section 9, so that we may place and House Resolution No. 12-96 on today's Calendar.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Adoption?

Floor Leader Babauta: So move, Mr. Speaker, for the adoption of House Resolution No. 12-96.

The motion was seconded.

H. R. NO. 12-96: A HOUSE RESOLUTION TO BESTOW UPON DR. CECILIA LIZAMA SALVATORE, Ph.D, A DISTINGUISHED LEGISLATIVE RECOGNITION ON THE OCCASION OF HER HISTORIC ACHIEVEMENT FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AS THE FIRST CHAMORRO WOMAN FROM THE CNMI TO BE AWARDED A DOCTOR OF PHILOSOPHY DEGREE (Ph.D) FROM THE PRESTIGIOUS UNIVERSITY OF TEXAS AT AUSTIN; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion?

Several member voiced, "ready".

The motion to adopt House Resolution No. 12-96 was carried by voice vote.

Speaker Fitial: House Resolution No. 12-96 is hereby adopted.

Floor Leader Babauta: Clarification, Mr. Speaker, introduced by the Committee of the Whole.

Speaker Fitial: Yes. I believe we have two motions to consider one from Representative Jones and one from the Floor Leader.

BILL CALENDAR

The Chair recognized Rep. Jones.

Rep. Jones: Under Bill Calendar?

Speaker Fitial: Yes.

Rep. Jones: Mr. Speaker, I received a message from the Governor that there is a need for the House to recall House Bill No. 12-177, which deals with “Toxic Substance Exposure Compensation Act” and such need is very important so that it would limit the liability of the CNMI government up to \$100,000.00 because as is, the Bill does not put a cap and we fear that in the absence of this limitation it might open up beyond the ability of the CNMI government to pay. And for this, I move that we recall from the Governor House Bill No. 12-177.

The motion was seconded.

Floor Leader Babauta: Subsidiary motion, Mr. Speaker.

Speaker Fitial: The motion to recall is undebatable. So, would you like to discuss this before a motion to be effectuated? Because once we recognize the motion the motion will be undebatable?

Rep. Jones: Let us have discussion.

Speaker Fitial: The issue is the liability of the government in the event that the government is sued or becomes liable under the “Toxic Substance Exposure Compensation Act”, House Bill No. 12-177. We do have now a tort liability act, I would like to ask the counsel if such act would be applicable in the event that the government is sued under this Act, because the tort liability act is a general law and I would assume that it would be applicable whenever the government is sued or any liability offenses.

Rep. Hofschneider: Can we go into recess or the Committee of the Whole?

Speaker Fitial: I would like to ask the Floor Leader to effectuate a motion to resolve into the Committee of the Whole so we can discuss this intelligently with our legal counsels.

Floor Leader Babauta: With that, Mr. Speaker, so move.

The motion was seconded and carried by voice vote.

The House resolved into the Committee of the Whole at 10:48 a.m.

COMMITTEE OF THE WHOLE

The House reconvened back to plenary session at 11:03 a.m.

Speaker Fitiaf: We are back now to the regular plenary session. Floor Leader, recognized.

Rep. Hofschneider: May I just ask one more question?

Speaker Fitiaf: Representative Hofschneider, you may ask.

Rep. Hofschneider: Assuming that cases were disrupted for the Commonwealth on matters of similar to EPA, now, if we set the cap at \$100,000.00 and collectively the total impact of the community exposed is far less than the actual cause of the remedy of the health consequences. How do we attend to – particularly when a person churns into cancer causing, chemical and to take care of the medical care cost of that one individual as opposed to collective cost that the community expose and exhibiting similar consequences? Based on the probability of reimbursement of federal agencies are equally responsible for the clean up or for the prevention of the prolonged exposure would we then be limiting our ability to recover the real cause?

Rep. Jones: That is a very valid concern. But I think at this time, we will consider the recall bill and when the time comes the concern is immediate then we will display by that time.

Speaker Fitiaf: I also visualize the impact that the collective community may have in this issue. We may be assuming that the federal government would be limited for that matter, could be coming up with just compensation for the people affected. They could be only paying for clean up and restoration, I don't know how much they'd be paying...?

Rep. Hofschneider: Plus maintenance.

Speaker Fitiaf: Plus maintenance, but we are talking about claims by the community, if the community would opt to sue for damages.

Rep. Hofschneider: Let us recall and –

Rep. Jones: That is correct, Mr. Speaker, because on the toxic I am working on is the venture and when that time arises then the concern by Representative Hofschneider will be appropriate to consider.

Rep. Hofschneider: I am pretty sure, Mr. Speaker, there are case studies done and actually went to court and it is an old problem particularly in coping with the Constitution.

Speaker Fitial: I saw you on television last night and your message was loud and clear that you were looking for compensation into those affected members of the community.

Rep. Hofschneider: Ready.

Speaker Fitial: So, do you agree to effectuate a recall motion?

Rep. Jones: At this time, Mr. Speaker, I move that we recall from the Governor House Bill No. 12-177.

The motion was seconded.

Speaker Fitial: Do you prefer to vote by voice or --?

Rep. Jones: Voice vote.

The motion to recall House Bill No. 12-177, CS1, from the Governor was carried by voice vote.

H. B. NO. 12-177, CS1: THE TOXIC SUBSTANCES EXPOSURE COMPENSATION ACT.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. I also move and recall from the Governor House Bill No. 12-209, Senate Draft 1.

The motion was seconded and carried by voice vote.

H. B. NO. 12-209, SD1: A BILL FOR AN ACT TO REPEAL AND REENACT 1 CMC 1601-1616; AND FOR OTHER PURPOSES.

Speaker Fitial: The motion carries. Representative Attao?

Rep. Attao: Thank you, Mr. Speaker. I would like also to make a motion to recall from the Governor House Bill No. 12-279.

The motion was seconded and carried by voice vote.

H. B. NO. 12-279, CS1: A BILL FOR AN ACT TO REPEAL AND RE-ENACT PUBLIC LAW 11-79 SECTION 6 (c) (2); AND FOR OTHER PURPOSES.

Speaker Fitial: The motion carries. Representative Hofschneider?

Rep. Hofschneider: Yes, Mr. Speaker, I just want to share this problem again with our colleagues up in the Senate, it seems that sometimes we do recall actions and they exceeded the time limitation. So, I don't want to see us again going through an exercise – can we get some cooperation in going through and if it is really substantive that we do recall we get something going through, we all cooperate and do it on a timely fashion. Since, to be honest, it is quite embarrassing to do a recall on our side or on their side and we don't do it or they don't do it...

Speaker Fitial: Embarrassing, frustrating -- you know, time for change.

Rep. Hofschneider: Thank you.

Speaker Fitial: Miscellaneous.

MISCELLANEOUS BUSINESS

The Chair recognized Rep. Hofschneider.

Rep. Hofschneider: Mr. Speaker, on November 1st, after the observation of All Saints Day, like any typical family here in the Commonwealth that do not have time to shuffle between cooking meals for your family and our obligation religiously or otherwise, we decided to stop by at one of the restaurants on beach road. It was pouring that day and I pulled into an establishment and immediately a lady stepped out at the establishment and started shouting at me, “don't you park over here, this is my parking” and I know for a fact that I am on a public land. So, I got down and as a politician, rule number one is, customer's always right. So, she is the customer. Even though she is a nonresident, I don't see that to be a point of concern to this problem. I asked them, where is your boundary? This is it, all the way out stretch to the block, and I said, “this is a public land.” She said, “No, this is my store and that is my parking. If you want to buy something in my store, you park. If you are going to the next door establishment, don't you park over here. This is my parking.” So, she found a new reason and, yes, there was a car signaling to pull in that establishment so she started pointing out and said, “we are going to unload merchandise.” I said, “Fine, now you give me a reason to look for another parking lot.” So I politely pulled out. All the kids were drenched and they were standing in the middle and they won't allow us to step out. So I pulled to the far end of that stretch block and just as soon as I parked another Chinese guy started running out, “don't park here, don't park here, this is my parking.” And you know me, Mr. Speaker, my fuse is very, very short. So, I shouted, “I am not blocking you, I am not blocking your

establishment, and I make sure I didn't cross in past the telephone pole because I know the easement. I walked into the restaurant next to me is a revered gentleman with his family doing the same thing I did, taking them out for dinner. And he says, "oh, you too got chased out." I said, "what are you talking about?" He said, "I saw you and they did the same thing to us." And I've heard this for number of years. In central Garapan for instance, some of the night clubs there have bouncers telling people not to park if you are not going to that establishment. It is getting out of hand is my point and I would like to see the Committee on Natural Resources to call Public Lands and for those designated properties that still belong to the government agency to have it surveyed and marked. I think that we have to cater towards the businesses because they generate revenues. So, a solution is the compromise, Mr. Speaker, is we designate all those frontage that belongs to public land or a designated agency such as Central Garapan, NMHC and this is for public parking without us stepping into and trying to regulate it. Or by law imposing some surcharge, maybe that is not a bad idea, put parking meters. But at times you see an establishment that is heavily patronized, you don't want to limit the number of parking meters for that establishment or for that general area. So, I think that if we designate a public land, I think we need to show and advise by sending a letter to the establishment that it is free for anyone that wants to park that cannot find parking suitably either in front of your establishment or elsewhere. But you cannot put out a flowerpot in the front on public land and refuse particularly those of Northern Marianas descent. I don't want to rise to that level. But it leaves me no option, Mr. Speaker, to express my dismay, my frustration on this continued problem.

Speaker Fitial: Right after the cemetery, you should have come with me and Lambert, because we did not encounter parking problem. See Lambert is laughing because he said, "come this way uncle because you won't meet any Chinese."

Rep. Hofschneider: You and I know, Mr. Speaker, that we don't rule the family, the kids rule the family, we go to where they want us to go.

Speaker Fitial: But I agree. When I was still in the Zoning Board, we made it very clear to all these establishments, especially in hotel streets that all the parking spaces in front of their building belongs to the government, public land, and they know that.

Rep. Hofschneider: Excuse me, Mr. Speaker, but I don't want to go into details and I don't want to go to the extend to point out that there are establishments down there that encroach building, putting structure in on public land without compensating Public Lands. Not go there, I just want to see a resolution so that people when they seek to park they are not refused. Somebody put a flowerpot out there with either way, it is a concrete flowerpot with no flower in itself, half inch PBC pipe that they are irrigating and pretending it is a flower.

Speaker Fitial: Chairman Rosiky Camacho?

Chairman Rosiky Camacho: Mr. Speaker, I am sorry to say this, but there are two bills that actually address what our good Representative Hofschneider is alluding to, one is Public

Land Encroachment Act and the other one is the Right of Way Subdivision Act. Both of these bills have some intent to find perimeters on properties in front, side, back of property for the establishment. The other one is very important Act, where the intent is to start charging establishments and even private individuals who intentionally intended to encroach to a property rather than designated and designed fully once it is being surveyed. And these two bills actually will clear off some of these concerns. It is in the Committee of Natural Resources.

Speaker Fitial: Just to let you know that the Chairman on Natural Resources is observing and noting everything that is being deliberated and he is ready to take action. I would like to ask the legal counsel to draft – we already have a draft, it used to be a law but it was suspended the Zoning Code. We need to revive the Zoning Code.

Rep. Hofschneider: I have that ready, Mr. Speaker, just to let you know that we did suspend it and we have to reactivate it again.

Speaker Fitial: Yes, we need that Zoning Code.

ANNOUNCEMENTS

The Chair recognized the Floor Leader.

Floor Leader Babauta: **(inaudible)**

Speaker Fitial: I would like to urge all the members to be here at 10:30 because we are going to view a video tape recording of a very, very sad story and this sad story is told by a physician who has a friend – thousands and thousands of people realize that it was the -- I urge everyone to be here by 10:30. I believe also on November 14, the Governor would be issuing a proclamation on this issue. It is time to pick our awareness.

Rep. Hofschneider: Mr. Speaker, I think we need to applaud the efforts of Precinct I Representatives for taking action in cleaning some of our remote areas, Laulau... but at this time, I invite all of you to just go on the -- **(inaudible)**

Speaker Fitial: Can I have the counsels to look into the littering statute and see if we can provide teeth into it and create a bounty system where anybody calls in and give names of people littering and can be rewarded? Representative Pangelinan?

Rep. Pangelinan: **(inaudible)**

Speaker Fitial: Maybe you should extend that application to village from outside the village – because the problem is outside the village.

Rep. Pangelinan: (**inaudible**)

Speaker Fitial: The problem here is that we are the policy makers (**inaudible**) -- We got a problem and every time we talk about this problem we get stupefied by them and we don't know what to do with them. So, write to agencies and better start doing something about them. Otherwise they come up with appropriation and stick it to them. Okay, if there is no further announcements, I just would like to ask again, please be here tomorrow at 10:30, our session will be at 11:00 anyway. So be here early so we can view the video recording. Floor Leader?

Floor Leader Babauta: Ready. Move to recess until tomorrow morning at 11:00.

The motion was seconded and carried by voice vote.

Speaker Fitial: The House stands recess until tomorrow morning at 11:00.

The House recessed at 11:32 a.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

H. L. B. NO. 12-18: A HOUSE LOCAL BILL FOR AN ACT TO APPROPRIATE THE \$152,688.66 FROM DEVELOPER INFRASTRUCTURE TAX FOR GUALO RAI, CHINA TOWN AND CHALAN KIYA ROAD PAVING AND DRAINAGE; AND FOR OTHER PURPOSES. (REP. JESUS T. ATTAO 10/24/00) **3RD APPEARANCE**