

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

TWENTY-NINTH DAY

November 22, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Twenty-Ninth Day, Second Regular Session, on Wednesday, September 22, 2000, at 4:27 p.m., in the House Chamber, Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Benigno R. Fitial, Speaker of the House presided.

Rep. Antonio M. Camacho was appointed Acting Floor Leader.

A moment of silence was observed.

In accordance with Rule XIII, § 2(a), thirteen members were present. Representatives Oscar M. Babauta, Florencio T. Deleon Guerrero, Dino M. Jones, Thomas B. Pangelinan and Maria “Malua” T. Peter were excused.

Speaker Fitial: A quorum is present in today’s session. All members absent are excused.

ADOPTION OF JOURNALS

The Chair recognized the Acting Floor Leader.

Acting Floor Leader A. Camacho: Mr. Speaker, I move for the adoption of the 27th and 28th Days journal.

The motion was seconded.

27th Day (11/9/00) & 28th Day (11/13/00), 2nd Regular Session

Speaker Fitial: Discussion?

Several members voiced, “ready”.

The motion to adopt the 27th Day and 28th Day, Second Regular Session journals was carried by voice vote.

Speaker Fitial: The motion carries.

INTRODUCTION OF BILLS

None

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-98: A House Resolution to waiving the 30-day requirement pursuant to Section 16 of Public Law No. 11-3, the General Obligation (G.O.) Bond Law, for the transmittal to the presiding officers of the CNMI Legislature, at least thirty days prior to delivery of the bonds, notes, or other evidence of indebtedness to the purchaser of such bonds, certified copies of the Commonwealth Development Authority (CDA) resolution authorizing issuance or approving other action together with copies of all documents or drafts authorized by such resolution.

Offered by: Rep. Antonio M. Camacho and eleven others

Acting Floor Leader A. Camacho: Mr. Speaker, I ask the indulgence of everybody so we can suspend all pertinent rules and place this for adoption on the day's Calendar for action.

Speaker Fitial: If there is no objection.

There was no objection raised.

Speaker Fitial: Unanimous consent?

Rep. Attao: Unanimous.

Speaker Fitial: So ordered.

H. J. R. NO. 12-16: A House Joint Resolution to request a complete exemption for payment of a debt to the United States Department of the Treasury, Division of Debt Management, in the amount of \$1,589,367.00, on the grounds that it will be in the best interest of the United States to do so.

Offered by: Rep. Norman S. Palacios

Speaker Fitial: Would you also like the same treatment?

Rep. Palacios: Yes, Mr. Speaker.

Acting Floor Leader A. Camacho: So move, Mr. Speaker.

Speaker Fitial: If there is no objection.

There was no objection raised.

Speaker Fitial: So ordered. Anymore resolutions for introduction?

Several members voiced, “ready”.

MESSAGES FROM THE GOVERNOR

Gov. Comm. 12-92 – November 14, 2000 – Informing the Legislature that he signed Senate Bill No. 12-80, (Domestic & Family Violence Amendment Act), into Public Law 12-30.

Gov. Comm. 12-93 – November 14, 2000 – Informing the Legislature that he disapproved House Bill No. 12-279, CS1 (Appropriation for Chalan Kiya & China Town Sewerage Systems).

Gov. Comm. 12-94 – November 21, 2000 – Informing the Legislature that he disapproved House Bill No. 12-141, CD2, SD1, (Municipal Ordinance Act).

Gov. Comm. 12-95 – November 21, 2000 – Informing the Legislature that he disapproved House Bill No. 12-209, SD1, (Youth Congress Act of 2000).

SENATE COMMUNICATIONS

Sen. Comm. 12-88: Certified copy of Senate Resolution No. 12-21, entitled, “A Senate Resolution urging the Governor to take immediate action in addressing the crime problem in the CNMI for the safety of visitors and local residents,” adopted by the Senate on September 22, 2000. [For inf.]

Sen. Comm. 12-89: Return of House Bill No. 12-202, SD1, HD1, entitled, “To reappropriate fund balances from Public Law 9-24; and for other purposes,” which was passed by the Senate without amendments on November 17, 2000. [Will go to Governor]

Sen. Comm. 12-90: Return of House Bill No. 12-208, CD1, entitled, “To provide for the licensing and regulation of finance companies, other than banks, making consumer loans; and for other purposes,” which was passed by the Senate without amendments on November 17, 2000. [Will go to Governor]

Sen. Comm. 12-91: Return of House Bill No. 12-258 (Amendment to PL 12-16 – cash compensation for land exchange), which was passed by the Senate without amendments on November 17, 2000. [Will go to Governor]

Sen. Comm. 12-92: Return of House Bill No. 12-285, entitled, “To extend the privilege of having nonresident workers with special skills and qualifications fill hard-to-fill vacant positions within the CNMI government by repealing and reenacting 3 CMC, § 4434 (i); and for other purposes,” which was passed by the Senate on November 17, 2000, in the form of H.B. 12-285, SD2 [For action on Senate amendments]

Sen. Comm. 12-93: Informing the House that the Senate accepted the House amendments to Senate Bill No. 12-24, SS1, entitled, “To amend 1 CMC § 2152, concerning qualifications of the Attorney General, to conform with Article III, Section 11 of the Commonwealth Constitution; and for other purposes,” on November 17, 2000. [For inf.]

Sen. Comm. 12-94: Return of House Bill No. 12-64, CD1, entitled, “To amend Title 1, Div. 8, part 3, Chapter 7, § 8402 of the Commonwealth Code; and for other purposes,” which the Senate passed on November 17, 2000 in the form of H.B. 12-64, CD1, SD2. [For action on Senate amendments]

Speaker Fitial: Under Senate Communications, we have Senate Communication 12-92 for consideration so as Senate Communication 12-94. So, if the House doesn’t have any particular objection on the changes or amendments made by the Senate on these two measures, what is the pleasure of the House? Representative Benavente?

Rep. Benavente: I would like to move at this time, Mr. Speaker, to place those relevant Bills in the Calendar for our action today.

Speaker Fitial: Perhaps –

Rep. Benavente: Just to place on the Calendar.

Speaker Fitial: If there is no objection.

There was no objection raised.

Speaker Fitial: So ordered.

REPORTS OF STANDING COMMITTEES

None

RESOLUTION CALENDAR

The Chair recognized the Acting Floor Leader.

Acting Floor Leader A. Camacho: Mr. Speaker, I move to suspend any pertinent rules so that we can calendar the two Resolutions that were just introduced by myself and Representative Palacios.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Two Resolutions are calendared for adoption. Adoption motion?

Acting Floor Leader A. Camacho: Mr. Speaker, we need to recess for copies of the numbered Resolutions?

Speaker Fitial: Short recess.

The House recessed at 4:35 p.m.

RECESS

The House reconvened at 4:42 p.m.

Speaker Fitial: The House shall reconvene. We are under Resolution Calendar. Can we have adoption motion for these two Resolutions?

Acting Floor Leader A. Camacho: Mr. Speaker?

Speaker Fitial: Floor Leader?

Acting Floor Leader A. Camacho: I move for the adoption of House Resolution No. 12-93.

The motion was seconded.

H. R. NO. 12-98: A HOUSE RESOLUTION TO WAIVING THE 30-DAY REQUIREMENT PURSUANT TO SECTION 16 OF PUBLIC LAW NO. 11-3, THE GENERAL OBLIGATION (G.O.) BOND LAW, FOR THE TRANSMITTAL TO THE PRESIDING OFFICERS OF THE CNMI LEGISLATURE, AT LEAST THIRTY DAYS PRIOR TO DELIVERY OF THE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS TO THE PURCHASER OF SUCH BONDS, CERTIFIED COPIES OF THE COMMONWEALTH DEVELOPMENT AUTHORITY (CDA) RESOLUTION AUTHORIZING ISSUANCE OR APPROVING OTHER ACTION

TOGETHER WITH COPIES OF ALL DOCUMENTS OR DRAFTS AUTHORIZED BY SUCH RESOLUTION.

Speaker Fitial: Discussion?

Several members voiced, “ready”.

The motion to adopt House Resolution No. 12-98 was carried by voice vote.

Speaker Fitial: The motion carries. House Resolution No. 12-98 is hereby adopted.

Acting Floor Leader A. Camacho: Mr. Speaker?

Speaker Fitial: Floor Leader?

Acting Floor Leader A. Camacho: I move for the adoption of House Joint Resolution 12-16.

The motion was seconded.

H. J. R. NO. 12-16: A HOUSE JOINT RESOLUTION TO REQUEST A COMPLETE EXEMPTION FOR PAYMENT OF A DEBT TO THE UNITED STATES DEPARTMENT OF THE TREASURY, DIVISION OF DEBT MANAGEMENT, IN THE AMOUNT OF \$1,589,367.00, ON THE GROUNDS THAT IT WILL BE IN THE BEST INTEREST OF THE UNITED STATES TO DO SO.

Speaker Fitial: Discussion?

Several members voiced, “ready”.

Speaker Fitial: Would you prefer for a roll call or voice vote?

Acting Floor Leader A. Camacho: Voice vote.

The motion to adopt House Joint Resolution No. 12-16 was carried by voice vote.

Speaker Fitial: The motion carries. House Joint Resolution No. 12-16 is adopted.

BILL CALENDAR

Speaker Fitial: We have calendared two House Bills that were amended by the Senate and they are under Senate Communications 12-92 and 12-94. Senate Communication 12-92 refers to House Bill No. 12-285. So, can we effectuate a suspension motion so we can

suspend with the... – we don't need to suspend anything, we just move to accept the amendments made by the Senate.

Acting Floor Leader A. Camacho: Mr. Speaker?

Speaker Fitial: Floor Leader?

Acting Floor Leader A. Camacho: I move to accept House Bill No. 12-285 as amended by the Senate.

The motion was seconded.

H. B. NO. 12-285, SD2: A BILL FOR AN ACT TO EXTEND THE PRIVILEGE OF HAVING NONRESIDENT WORKERS WITH SPECIAL SKILLS AND QUALIFICATIONS FILL HARD-TO-FILL VACANT POSITIONS WITHIN THE CNMI GOVERNMENT BY REPEALING AND REENACTING 3 CMC, § 4434 (i); AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion?

Several members voiced, “ready”

Speaker Fitial: Representative Hofschneider?

Rep. Hofschneider: On page 2, line 2 –

Speaker Fitial: Page 2, line 2 --

Rep. Hofschneider: Mr. Speaker, I believe this is just a typographical error, I maybe wrong but if we could authorize the Clerk to check with the Senate Clerk and ensure that “logistically possible” versus “logically possible” is not of the same intention.

Speaker Fitial: If we just remove the word “logistically” I think it is still possible.

Rep. Hofschneider: That could be logical. That is all, Mr. Speaker.

Speaker Fitial: Thank you. Can we ask the Clerk to just use her professional discretion on this matter? If no further discussion, roll call.

The Clerk called the roll on the motion to accept the Senate amendments to House Bill No. 12-285 as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes

Rep. Oscar M. Babauta	excused
Rep. Diego T. Benavente	yes
Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	excused
Rep. Heinz S. Hofschneider	yes
Rep. Brigida DLG. Ichihara	yes
Rep. Dino M. Jones	excused
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Norman S. Palacios	yes
Rep. Thomas B. Pangelinan	excused
Rep. Maria “Malua” T. Peter	excused
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: The Senate amendments to House Bill No. 12-285 are accepted.

Acting Floor Leader A. Camacho: Mr. Speaker?

Speaker Fitial: Floor Leader?

Acting Floor Leader A. Camacho: Mr. Speaker, I move to accept the Senate amendments to House Bill No. 12-64.

The motion was seconded.

H. B. NO. 12-64, CD1, SD2: A BILL FOR AN ACT TO AMEND TITLE 1, DIV. 8, PART 3, CHAPTER 7, § 8402 OF THE COMMONWEALTH CODE; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion?

Several members voiced, “ready”.

Speaker Fitial: Roll call.

The Clerk called the roll on the motion to accept the Senate amendments to House Bill No. 12-64, CD1, as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	excused
Rep. Diego T. Benavente	yes

Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	excused
Rep. Heinz S. Hofschneider	yes
Rep. Brigida DLG. Ichihara	yes
Rep. Dino M. Jones	excused
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Norman S. Palacios	yes
Rep. Thomas B. Pangelinan	excused
Rep. Maria “Malua” T. Peter	excused
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: The Senate amendments to House Bill No. 12-64, Committee Draft 1, are hereby accepted by the House. That is it. Miscellaneous Business.

MISCELLANEOUS BUSINESS

Rep. Benavente: Under privilege, Mr. Speaker.

Speaker Fitial: Representative Benavente?

Rep. Benavente: I would like at this time if it is possible to request that the Clerk expedite the transfer of House Bill No. 12-285 to the Governor because as I understand, the agencies need this particular legislation to go through and so does some of the vendors that are waiting to be paid. So, I ask that the Clerk expedite the referral to the Governor. Thank you.

Speaker Fitial: Ms. Clerk, use your professional discretion on that. Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker and members. We are under Miscellaneous Business, right?

Speaker Fitial: Miscellaneous.

Rep. Hofschneider: Yesterday, I believe we all received a long awaited environmental report from law firm that is expert in the environmental law. Mr. Speaker, we don't have the time to dwell into the text of the report, but if we just refer to the executive summary that was, I believe, passed today's as an addendum or attachment to the report passed yesterday, in the second paragraph of that second summary on the last page, far on the last page of that report, from the AG's office, beginning with the sentence, citing Sections 7003 of the RCRA under EPA which was issued on the premises that that Section, whenever the administrator receives

evidence that the past or present handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an eminent and substantial endangerment to the health or the environment. And that was codified under 42-USC Subsection 6973 and it further goes to even state interestingly, the order does not specify what conditions currently exist at the site that presents an eminent or substantial endangerment that apparently did not exist over the past twelve years. Mr. Speaker, these two sentences, obviously colliding in intentions, I believe that it is very apparent if one reads the full text and reads the summary from both documents from EPA and from the law firm, that on one hand risk assessment is not necessary as stated, and risk assessment under Section 7003 of the RCRA states that you only issue an order or receives evidence that it presents an endanger to the health of that particular area, then you issue the order. On one hand, they issue the order without insisting or mandating in the order the risk assessment so there is fudging. Maybe this is one of those areas that we call, “the legal procedural judo” going on and in the midst of all these legal judo, the people of Tanapag continues to be exposed. Mind you, that EPA report has tested that PCB is present in land crabs. I am pretty sure that 80% of us members here have eaten crabs in Tanapag, one time in our lives. The point, Mr. Speaker, is someone has to take the bull by the horn and get the people in one room, and find out, Mr. Speaker, why is the Commonwealth receiving a double standard treatment? On one hand, the report states that one parts per billion is the new test criteria. Under EPA standard, it is one tenth of one percent, or one part per billion .001 or .01. So, when it suit someone to raise the bar they say, “one part per billion”. When you cite or the test is taken from a litigious community, let us say the back yard of San Francisco, then it is .01. Well, we may be genetically or given that we can with stand a greater porous of UV radiation and not contract skin cancer because of the pigment ability of colored people here in the Commonwealth, of all the Chamorros and the Carolinians, but this sort of substance does not discriminate in terms of its ability to injure the health of living entity, be it human or animals. The text also reviewed that -- and this is quite alarming for me because I’ve been watching and keeping track of all the statements and reports that have been issued, in some parts that they have tested and not reviewed, it exceeded over a hundred thousand parts per million. One test site, which is very close to a household, fourteen thousand parts per million, that is fourteen thousand above the new threshold of one par per pavilion. So long as a scientist agree to disagree that there is no definitive connection between PCB and cancer, the layman can only surmise the saying, “well I can only assume that the recent increase in deaths related to cancer, particularly those in the middle ages below forty years of age in Tanapag, can be assumed to be just a mere coincident, but that is not necessarily the whole argument behind this. We want the area cleaned because it has been proven; otherwise EPA would not have included PCB to be carcinogenic in their list. I think the House, Mr. Speaker, or both the House and the Senate should take the bull by the horn and let us get to the bottom of this because it takes a technical person to really read this report and understand the meaning of those test and how it relates to humans particularly the people of Tanapag. Something that is, normally people would not be too attentive when it is out of sight and stay out of mind, we don’t think about it. But just imagine if the little mite is equal to PCB and when an expecting mother is told that the fetus that you are carrying is without a limb which the little mite dust or you are expecting to give birth to a fetus that is without a head then it rocks the conscious of people

to get up and do something about it. PCB is a chronic it has an insidious effect on humans on the biology of the living matter. It all depends on the dosage and how long you are expose to it. Low dosage long exposure, have the same effect as high dosage and expose for a short period of time. If you are prone to cancer then this can be also called procarcinogen which compounded with something else, like smoking for instance, alcohol or dioxin which is also stated in the report together it has a multiplying effect on cancer, that has been proven. So we really don't know what is going on.

Speaker Fitial: But so far it has not yet been determined whether PCB is carcinogenic.

Rep. Hofschneider: No literature, Mr. Speaker, to date.

Speaker Fitial: But does it have a close affinity with radiation?

Rep. Hofschneider: Not at all, they are not classified as radioactive material or related to radiation. What it does is like hydrocarbons, hydrocarbon compounds, and benzene for instance, has been proven to be directly causing cancer agent, similar to asbestos.

Speaker Fitial: I was going to say that.

Rep. Hofschneider: It has a very small chronic process and it is a fatty compound. It is oily so it sticks to the body fats of people or animals as oppose to water soluble, in vitamin C, it is very hard to overdose yourself because of the water soluble. But vitamin D for instance, you can overdose because it is fat soluble and it sticks in your body, so it has a compounding effect over time and it is the same with PCB. Do we wait until we actual find one living person that has one hundred parts per million in their body or tissue?

Speaker Fitial: I don't know whether anyone of you have been to the Marshall Islands. I went to Bikini. This is way back in 1968 with High Commissioner Noel, the degree of deformity among those people in Bikini -- they are trying to resettle them, people from Enewetok -- it is unbelievable. Can you imagine people with only one eye in the middle, some on the side of their head. And I've seen coconut crabs, the sacks, as long as six feet, dragging the sack -- that is radiation. That is the effect of radiation. It is unbelievable. It is very, very sad. That is the reason why they are millionaires now because the United States Government is paying them every year.

Rep. Hofschneider: My point, Mr. Speaker, is, I hope that the Standing Committee take this report seriously and maybe our counsels can assist them in –

Speaker Fitial: I would like to ask our counsel to work together with the appropriate standing committee on this issue. Like, Representative Hofschneider suggested, we should not wait until a pronouncement has been made that PCB is carcinogenic or radioactive. We have to find an expert to help us determine that. So, anymore Miscellaneous? I just want to mention something because it is important that I share this information with you. Some of us went to

attend the SEDC meeting last Monday in Guam. I ask all the members to participate in that particular meeting. However, it was just a last minute meeting, I could understand some of you are not able to attend. But it was a very, very productive meeting. The QC legislation was brought up and the three Senators from Saipan were also in attendance and all of them indicated that the Senate will meet in session today and they will take up the subject legislation. It is very important because right now there are two hotels just waiting for that legislation to be enacted for them to make their moves. As a matter of fact, they have already made their moves, but they are still trying to get that bill pass by both houses. There is a high tech software manufacturing company that is seriously considering setting up a plant here in Saipan and they are just waiting for that legislation. The legal counsel is working on a letter to Customs because a company that manufactures peanut butter would like to set up a manufacturing plant here in Saipan to process peanut butter for export to the United States and Canada. They are also waiting for that particular legislation. So, there is a light at the end of the very long, dreadful tunnel of economic down turn we have had for the past three years. So, if we could all get together and be serious enough to understand the reality of the economic situation we are all in now, probably we should try to expedite action on this important and vital legislation. That is all I wish to share with you.

Acting Floor Leader A. Camacho: Mr. Speaker?

Speaker Fitial: Floor Leader?

Acting Floor Leader A. Camacho: I move to recess until Monday at 10:00 a.m.

The motion was seconded and carried by voice vote.

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

The House recessed at 5:06 p.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives