

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

THIRTY-FIRST DAY

November 28, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Thirty-First Day, Second Regular Session, on Tuesday, November 28, 2000, at 10:26 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 recorded present. Representatives Martin B. Ada, Diego T. Benavente and Maria “Malua” T. Peter were excused.

Speaker Fitial: A quorum is present for today’s session. Representatives Ada, Benavente and Peter are excused.

**ADOPTION OF JOURNALS**

None

**INTRODUCTION OF BILLS**

H. B. NO. 12-295: A Bill for an Act to amend 4 CMC, §1403(a) and 4 CMC 1803 by adding a new subsection (e) to earmark the revenues collected from aviation fuel tax to Marianas Visitors Authority; and for other purposes.

Offered by: Rep. Benigno R. Fitial

*Rep. Deleon Guerrero came in at 10:30 a.m.*

Speaker Fitial: Representative Deleon Guerrero is now present. I would like to ask your unanimous consent to place this measure on today’s Bill Calendar for consideration.

There was no objection raised.

Rep. Attao: Mr. Speaker, is this aviation fuel tax or liquid fuel tax?

Speaker Fitial: Aviation.

Rep. Attao: Aviation, okay.

Speaker Fitial: Further introduction of Bills? -- Introduction of Resolutions.

### **INTRODUCTION OF RESOLUTIONS**

H. R. NO. 12-101: A House Resolution supporting the establishment of a Cultural Center, a project being developed by the Saipan Cultural Center and to respectively request the Board of Directors of the Commonwealth Development Authority to give favorable consideration and proof of the corporation pending long application.

Offered by: Rep. Rosiky F. Camacho and nine others

Speaker Fitial: If there is no objection, do you wish to place that in today's Resolution Calendar for consideration?

Rep. Rosiky F. Camacho: No objection, Mr. Speaker.

There was no objection raised.

Speaker Fitial: So ordered.

### **REPORTS OF STANDING COMMITTEES**

None

### **RESOLUTION CALENDAR**

The Chair recognized the Floor Leader.

Floor Leader Babauta: Short recess, Mr. Speaker.

Speaker Fitial: Short recess.

The House recessed at 10:33 a.m.

## RECESS

The House reconvened at 10:44 a.m.

Speaker Fitial: The House shall reconvene. Before we proceed, I would like to ask for the unanimous consent to go back to Item 3, under Introduction of Bills on our Agenda.

There was no objection raised.

## INTRODUCTION OF BILLS

H. B. NO. 12-296: A Bill for an Act to amend 1 CMC, Section 2901, to prescribe minimum qualifications for appointment to and termination of membership in public boards, commissions, authorities, and other public advisory councils; and for other purposes.

Offered by: Rep. Dino M. Jones

Referred to: Committee on Judiciary and Governmental Operations

Speaker Fitial: Any other member wishing to introduce bills or resolutions? If none, let us go to Item 12, Reports of Standing Committees.

## REPORTS FROM STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, there is one Standing Committee Report copies have been passed out. With that, Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-190 reference to House Resolution No. 12-97.

The motion was seconded.

S. C. R. NO. 12-190: Reporting on House Resolution No. 12-97, entitled, “Requesting the Governor of the Northern Mariana Islands to provide every major military post the Commonwealth of the Northern Mariana Islands flag.” *Your Committee on Federal and Foreign Relations recommends the adoption of the Resolution.*

Speaker Fitial: Discussion on the adoption motion?

Several members voiced, “ready”.

The motion to adopt Standing Committee Report No. 12-190 was carried by voice vote.

Speaker Fitial: The motion carries. Resolution Calendar.

### **RESOLUTION CALENDAR**

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. I move to suspend Rule VII, Section 9, Mr. Speaker, so that we may adopt House Resolution No. 12-101.

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 Nos. 12-97 and 12-101.

The motion was seconded.

**H. R. NO. 12-97:** A HOUSE RESOLUTION REQUESTING THE GOVERNOR OF THE NORTHERN MARIANA ISLANDS TO PROVIDE EVERY MAJOR MILITARY POST THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FLAG.

**H. R. NO. 12-101:** A HOUSE RESOLUTION SUPPORTING THE ESTABLISHMENT OF A CULTURAL CENTER, A PROJECT BEING DEVELOPED BY THE SAIPAN CULTURAL CENTER AND TO RESPECTIVELY REQUEST THE BOARD OF DIRECTORS OF THE COMMONWEALTH DEVELOPMENT AUTHORITY TO GIVE FAVORABLE CONSIDERATION AND PROOF OF THE CORPORATION PENDING LONG APPLICATION.

Speaker Fitial: Discussion?

Several members voiced, “ready.”

The motion to adopt House Resolution Nos. 12-97 and 12-101 was carried by voice vote.

Speaker Fitial: The motion carries. Bill Calendar.

## BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, earlier there was a question on technical issue with respect to House Bill No. 12-231, CD1, SD1, with the consensus of the members, Mr. Speaker, I move to recall the House action on House Bill No. 12-231, CD1, SD1 for reconsideration.

The motion was seconded.

Speaker Fitial: The motion is undebatable so I ask the Clerk to call the roll.

The Clerk called the roll on the motion to recall the House action on House Bill No. 12-231, CD1, SD1, as follows:

Rep. Martin B. Ada	excused
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	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	excused
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: The motion to recall the bill that we passed and the Senate also passed with amendments, the House accepted the amendments so we are recalling our action on the Senate amendments, is hereby passed. We have three more bills on today’s Calendar. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Move for the suspension motion, Mr. Speaker, on Rule VII, Section 9 and Rule IX, Sections 9 and 10 for the placement and passage of the following bills: House Bill No. 12-231, CD1, SD1 and House Bill No. 12-295.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Passage motion?

Floor Leader Babauta: Mr. Speaker, amendment motion for suspension of Rule IX, Section 11 so that we may allow members to introduce amendments on bills that appears on today's Calendar for passage.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Passage motion?

Floor Leader Babauta: So move, Mr. Speaker, for the passage on Second and Final Reading House Bill No. 12-286, CD1.

The motion was seconded.

**H. B. NO. 12-286, CD1:** A BILL FOR AN ACT TO AMEND PUBLIC LAW 12-24 TO DESIGNATE THE EXECUTIVE DIRECTOR OF THE COMMONWEALTH UTILITIES CORPORATION AS THE EXPENDITURE AUTHORITY; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion?

Rep. Attao: Ready.

Speaker Fitial: Representative Apatang?

Rep. Apatang: Thank you, Mr. Speaker. I would like to make an amendment to reinstate the bill back to its original form and delete all amendments.

The motion was seconded.

Speaker Fitial: Do you have your amendment ready?

Rep. Apatang: Yes. Mr. Speaker, I move to reinstate the original bill back to its original form and delete all amendments.

Speaker Fitial: Can you just briefly state your amendment in effect?

Rep. Apatang: Thank you, Mr. Speaker. House Bill No. 12-286, CD1, on the title, "A Bill for an Act to amend Public Law ~~12-24~~.11-67..." remove "11-67" and reinstate back "~~12-24~~." On page 1, line item 1, remove "11-67" and reinstate back "~~12-24~~." On line item 4, "Section 2" delete "11-67" and reinstate back "~~12-24~~", so move.

The motion was seconded.

Speaker Fitial: Further discussion?

Several member voiced, “ready”.

Speaker Fitial: Ready? Representative Rosiky Camacho?

Rep. Rosiky Camacho: Mr. Speaker, with the absence of the savings clause of the original bill it will not sustain, I think it is appropriate at this time also that the savings clause will be also part of the amendment on the bill that the good author just offered. That is an omission from the original bill.

Speaker Fitial: Representative Apatang?

Rep. Apatang: No objection.

The motion to adopt the amendment offered by Representative Apatang on House Bill No. 12-286, CD1, was adopted by the unanimous consent.

Speaker Fitial: Ready?

Several members voiced, “ready”.

Speaker Fitial: Roll call?

The Clerk called the roll on the motion to pass on Second and Final Read House Bill No. 12-286, CD1, HD1, as follows:

Rep. Martin B. Ada	excused
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	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	excused
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-286, Committee Draft 1, House Draft 1, passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the passage of House Bill No. 12-250, CS1, on Second and Final Reading.

The motion was seconded.

**H. B. NO. 12-250, CS1:** A BILL FOR AN ACT TO REGULATE COMMERCIAL TOUR BOAT TRAFFIC WITHIN SAIPAN’S WESTERN LAGOON; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. Yesterday we discussed this legislation extensively and boy, did it raise some eyebrows particularly from the public, Mr. Speaker and members. I had numerous calls about the intention of the legislation to step in and “bail out” the Outer Cove Marina and this is a decision that we all have to make, what is in the best interest of the people of the Commonwealth as a consequence of not resolving the issue of the Outer Cove Marina. We continue to spend marketing expenses, Mr. Speaker, through the MVA and we continue to hurt ourselves whenever the tourists are confronted with something that is out of their control. Meaning, the ability of those tour operators to provide for a suitable and safe launching area or passenger embarkation and disembarkation. As legislators confronted with this issue we have to provide for a resolution to the on-going differences, whether it be economic issue, financial issue, or personality issue, I think we have to put a stop to it. Unfortunately, it appears that what we are about to do in passing House Bill No. 12-250 seems like a bail-out, but if one reads carefully the legislation, what it attempts to do is assuming the cost of the Outer Cove Marina terminating the lease of MRC and transferring the obligations of maintaining and operating the Outer Cove Marina to the government. I have a deep reservation about the ability of the government to run facilities, Mr. Speaker, a classic example is out there. We don’t have to dwell into that, but when it is hurting the goose that less lays the golden egg (the tourism industry) and hurting the very people that wants to patronize and utilize the Outer Cove Marina especially in the tourism business, we have to rise to the level of what is in the best interest of the people of the Commonwealth. This endeavor that we’re bound to act on today, however it may perceive to be a bail-out, that is for anyone’s discretion to define however they want to define this legislation. But in reality this fiasco of arguing back and forth with all of the parties involved including the Legislature when we approved that submerge land lease, CRM, every single entity that had a hand in the approval of the Outer Cove Marina till today has a part including the business sector has a part to be blame for. The issue of safety is also before us, the



breakwater, and that is why I raise the issue, Mr. Speaker. You introduced that legislation to provide for funding to provide for the breakwater construction that would mitigate substantially the real issue of safety out in Outer Cove Marina. When we assume the liability as a government we have to provide now the safety aspects of the Outer Cove Marina. Yesterday's discussion is about the source of funding. In the original bill, if we all turn to Section 5 of the bill it purports to take the Managaha landing fee, half of it. Right now the assessment is \$5.00 per head at Managaha. It purports to take \$2.50 of the \$5.00 and dedicated towards the repayment of the acquisition. In lengthy discussion, Mr. Speaker, I propose today two options and I would like for the members to discussion which option to go with before I make a motion to adopt what we want to do. The first version, Mr. Speaker, is to do a similar financial scheme similarly to what we have done for the American Memorial Park. Last Legislature, I introduced a legislation providing for up to Two Million Dollars of borrowing authorizing through MPLT and CDA for the improvement of the American Memorial Park. What we have done is essentially took the language under the debt authorization section of that public law and insert it in lieu of Section 5 of the original bill before us, that is one option. The other option is a high breed of the same version except that provide, still taking \$2.50 from the landing fee and dedicating it, almost a guarantee, for the debt service of the authorization under the proposed bill, House Bill No. 12-250. Let me have copies produced, Mr. Speaker, and I ask the indulgence for a short recess so that we take a look at both version and decide which version is best to accomplish our goal today.

Speaker Fitial: If no objection?

There was no objection raised.

Speaker Fitial: Short recess.

The House recessed at 11:02 a.m.

***END OF RECORDING***

**RECESS**

The House reconvened at 11:15 a.m.

**H. B. NO. 12-293, CD1: TOXIC SUBSTANCE EXPOSURE COMPENSATION ACT; AND FOR OTHER PURPOSES.**

**MISCELLANEOUS BUSINESS**

**ANNOUNCEMENTS**

The House adjourned at 12:08 p.m. subject to the call of the Chair.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk  
House of Representatives