

HOUSE OF REPRESENTATIVES
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FOURTH SPECIAL SESSION, 2000

FIRST DAY

May 11, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its First Day, Fourth Special Session, on Thursday, May 11, 2000, at 3:30 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.

A moment of silence was observed.

In accordance with Rule XIII, § 2(a), seventeen members were present and Representative Thomas B. Pangelinan was excused.

Speaker Fitial: A quorum is duly constituted for the First Day of our Fourth Special Session. Representative Attao?

Rep. Attao: Representative Tom Pangelinan is unable to attend today's Special Session due to prior commitment and also for the preparation of Santa Soledad Fiesta for this coming weekend. And for this, Mr. Speaker, I ask that Representative Pangelinan be excused on today's session. Thank you.

Speaker Fitial: Representative Pangelinan is excused.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

H. B. NO. 12-183: A Bill for an Act relative to Tuition Tax Credit for Elementary and Secondary Schools, including Charter Schools in the Commonwealth of the Northern Mariana Islands; and for other purposes.

Offered by: Rep. William S. Torres
Referred to: Committee on Education

H. B. NO. 12-184: A Bill for an Act to establish a Federal Program Review Board and its duties, powers and responsibilities; and for other purposes.

Offered by: Rep. Norman S. Palacios and six others
Referred to: Committee on Federal and Foreign Relations

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-49: A House Resolution to support and endorse the student exchange program established by the Miyazawa Gakuen School in Japan with Marianas High School in Saipan, and extend a sincere appreciation to the founder of the program, Mr. Yasuo Miyazawa.

Offered by: Rep. Dino M. Jones
Referred to: Committee on Education

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

Misc. Comm. 12-9: From Executive Director Sukhwant K. Singh, SCC, regarding regular meetings with the members of the Legislature.

Speaker Fitial: For your information, we have an invitation from Saipan Chamber of Commerce to meet next week Thursday, all members are invited and also expected to participate.

REPORTS OF STANDING COMMITTEES

None

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, before I make a motion for the adoption of the Conference Committee Report, at this time if there is no objection from the members, I wish to recognize one of the elected officials in the gallery, the Chairman of the Saipan Municipal Council, Mr. Guerrero. (Applause) Mr. Speaker, I now move for the adoption of Conference Committee Report No. 12-1, reporting on House Bill No. 12-001, CS2, HD3, SD2, so move, Mr. Speaker.

The motion was seconded.

Conf. Cmte. Rep. No. 12-1: Reporting on House Bill No. 12-001, CS2, HD3, SD2, entitled, “To make appropriations for the operations and activities of the government of the Commonwealth of the Northern Mariana Islands, its agencies, instrumentalities, and independent programs, and to provide budget authority for Government corporation for Fiscal Year 2000; and for other purposes.” *Your Conference Committee recommends passage of the bill in the form of Conference Committee Substitute 1.*

Speaker Fitial: Discussion? Representative Hofschneider, recognized.

Rep. Hofschneider: Thank you, Mr. Speaker. On the Committee Report, did the Speaker of the House instruct the Conferees on a specific item to be taken up in the Conference limiting the matters to be discussed relative to the motion rejecting the Senate amendment?

Speaker Fitial: Again your question, was the Speaker of the House --?

Rep. Hofschneider: Did the Speaker of the House instruct the Conferees?

Speaker Fitial: The Speaker of the House did not instruct or give any specific instruction to the Conferees. Although – if I may, the Conferees are fully aware that the only matter of discussion would be limited to whatever the Senate amended and we rejected in the Budget. I think that is a common knowledge in legislative procedure.

Rep. Hofschneider: Can we take a short recess? I want to point something out off the record?

Speaker Fitial: Short recess.

The House recessed at 3:38 p.m.

RECESS

The House reconvened at 3:41 p.m.

Speaker Fitial: The House shall reconvene. Representative Hofschneider, you still have the floor.

Rep. Hofschneider: Thank you, Mr. Speaker. Just one more question maybe to the Chairman, or perhaps the legal counsel would be the more appropriate person to answer -- on page 22, line items 5 to 8, the underlined sentence, "To the extend that additional resources... etc." The Constitution only allows the Governor to identify resources to be appropriated the Legislature cannot identify additional resources. I just want to make sure before I support the Budget, Mr. Speaker, that this particular language does not in any way infringed in the powers of the Governor to identify resources. Because the way I read this sentence, it allows the total identification to go beyond, to supplement what was originally line item appropriated or proposed appropriation under the House, which the Senate amended to supplement the removal of that appropriation. This language is in line and in order to supplement the shortfall of that particular line item. The problem is a Constitutional question, whether it is an infringement in the separation of authority?

Speaker Fitial: No.

Rep. Hofschneider: Then I rest.

Speaker Fitial: We could safely say that, this is in contemplation in receiving the Governor's adjusted estimate. Since we are aware for a fact that the Governor has indicated in the past few months, that revenues may be more than what he had originally submitted to the Legislature.

Rep. Hofschneider: In that case, Mr. Speaker, one last question and that is on the same page line 17, the words "...for land claims" after "judgments..." is this intended to settle land claims that were adjudicated or land claims pending land compensations?

Speaker Fitial: Adjudicated.

Rep. Hofschneider: Thank you.

Speaker Fitial: Further deliberation on the motion?

Several members voiced, "ready".

Speaker Fitial: All we need is a voice vote for the Committee Report. Representative Attao?

Rep. Attao: I am going to ask the Chairman to make a clarification, Mr. Speaker, on page 13, lines 5 through 10.

Rep. A. Camacho: Mr. Speaker, on the Committee Report's Findings, on number 4, it is very clear on that section that the Municipal Council and the Chair of the Board of Public Lands, to sole sources contracts for legal services, consultations, and professional services with private independent contractors. I think that answers the good Representative Attao's concern.

Rep. Attao: Thank you. Ready.

The motion to adopt Conference Committee Report No. 12-1, reporting on House Bill No. 12-001, CS2, HD3, SD2, was carried by voice vote.

Speaker Fitial: Conference Committee Report No. 12-1 is adopted.

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

None

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, to kindly advise the members – because the Clerk inadvertently inserted the pertinent House Bill that was attached to the Conference Report, since we have just adopted the Conference Report, I believe that takes care of everything as clarified further by our legal counsel.

Rep. Attao: Ready.

Speaker Fitial: We do not need to effectuate a passage motion?

Rep. A. Camacho: No need.

Rep. Benavente: Clarification, Mr. Speaker.

Speaker Fitial: State your point of clarification.

Rep. Benavente: For the Appropriation Act, the Budget?

Rep. A. Camacho: Yes. Everything is in order.

Floor Leader Babauta: Short recess, Mr. Speaker.

Speaker Fitial: Short recess.

The House recessed at 3:48 p.m.

RECESS

The House reconvened at 3:49 p.m.

Speaker Fitial: The House shall reconvene.

Rep. Benavente: On the motion for the Conference Committee Report, will be at the same time passing and adopting the Conference Committee Report?

Speaker Fitial: Yes, pursuant to our Rules. Any question, Floor Leader?

Floor Leader Babauta: Unless I am overruled by the Chair, Mr. Speaker, I was about to suggest to make a motion to reconsider our action then move into a roll call, but if we just go ahead and proceed with the roll call, that is fine.

Speaker Fitial: That will be unnecessary since we already secured the unanimous consent by all the members.

Floor Leader Babauta: Ready, Mr. Speaker.

Speaker Fitial: We go back to the Conference Committee Report.

REPORTS ON SPECIAL AND CONFERENCE COMMITTEES

Speaker Fitial: Clerk, roll call.

The Clerk called the roll on the motion to adopt Conference Committee Report No. 12-1, 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	yes w/reservation
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	excused
Rep. Maria “Malua” T. Peter	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: Conference Committee Report No. 12-1 is hereby adopted thus passing the FY’2000 Appropriation Act. Clerk, can we expedite the transmittal of our action on the Budget to the Senate since they are still waiting for our action? Representative Attao?

Rep. Attao: Mr. Speaker, I would like to make a motion to allow the Clerk to make a necessary correction on the typographical errors.

There was no objection raised.

Speaker Fitial: So ordered.

BILL CALENDAR

Speaker Fitial: Are we still on the Bill Calendar?

Several members voiced, “ready”.

Speaker Fitial: Passage motion?

Floor Leader Babauta: Mr. Speaker, the other day, we deferred action on House Bill No. 12-117 until technical correction have been procured by the Committee or the author himself that is working on the Bill. So, the understanding was to defer action and leave it on the calendar.

Speaker Fitial: Do we have any idea when we will be taking this up?

Rep. Jones: Next session.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

The Chair recognized Rep. Jones.

Chairman Jones: This is a courtesy reminder to all members of the Natural Resources and Judicial and Governmental Operations Committee, the public hearing is tomorrow, be punctual, it will start on time. Thank you.

Speaker Fitial: Any other committee announcement? Representative Peter?

Chairwoman Peter: Mr. Speaker, do we have the recognition tomorrow at ten o'clock, the same time as the -- ? I thought I saw a communication from you and the President that there will be an employee's recognition ceremony?

Speaker Fitial: The Employee Recognition that will be tomorrow at 10:00 a.m. Representative Attao?

Rep. Attao: Also tomorrow, Mr. Speaker, if there is no objection from the members, I will be presenting a Resolution at two o'clock down at the General Fabricator to the Office of the Mayor of Saipan.

Speaker Fitial: What time?

Rep. Attao: About two o'clock.

Speaker Fitial: If any member does not have any prior engagement, it will be advisable that we joined Representative Attao with his presentation.

Floor Leader Babauta: The time, Mr. Speaker, is it two o'clock?

Speaker Fitial: At 2:00 p.m. I would like to recognize my cousin Ben Attao in the gallery, former Vice Speaker (Applause) and also, two top students from Mount Carmel School in the gallery (Applause). Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move to adjourn subject to the call of the Chair.

The motion was seconded.

The House adjourned at 3:50 p.m. subject to the call of the Chair.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives