

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

FIRST DAY

May 19, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its First Day, Fifth Special Session, 2000, on Friday, May 19, 2000, at 3:23 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), thirteen members were present and Representatives Martin B. Ada, Antonio M. Camacho, Brigida DLG. Ichihara, Alejo M. Mendiola, Jr. and William S. Torres were excused.

Speaker Fitial: All those members absent are excused.

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

Floor Leader Babauta: For the record, the good Representative Attao requested earlier if possible to suspend the adoption of journal for him to have time to make corrective measures in the journal.

First Day, Third Special Session (05/08/00)

Rep. Benavente: No objection.

Rep. Attao: Thank you.

INTRODUCTION OF BILLS

H. B. NO. 12-185: A Bill for an Act to establish the Commonwealth Occupational Safety and Health Act; and for other purposes.

Offered by: Rep. David M. Apatang and six others

Referred to: Committee on Health and Welfare

H. B. NO. 12-186: A Bill for an Act to amend provisions relating to the Village Homestead Act Program; and for other purposes.

Offered by: Rep. David M. Apatang
Referred to: Committee on Natural Resources

H. B. NO. 12-187: A Bill for an Act to amend Public Law 10-84; and for other purposes.

Offered by: Rep. David M. Apatang
Referred to: Committee on Natural Resources

H. B. NO. 12-188: A Bill for an Act to appropriate funds to supplement the funds available for the West Tinian Airport Airside Capital Improvement Project; and for other purposes.

Offered by: Rep. Norman S. Palacios and five others
Referred to: Committee on Ways and Means

H. B. NO. 12-189: A Bill for an Act to amend 7 CMC 3305; and for other purposes.

Offered by: Rep. Stanley T. Torres and six others
Referred to: Committee on Judicial and Governmental Operations

H. B. NO. 12-190: A Bill for an Act to add a new Subsection 3311 (d) to 4 CMC Chapter 3 Notaries; and for other purposes.

Offered by: Rep. Stanley T. Torres and six others
Referred to: Committee on Judicial and Governmental Operations

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-50: A House Resolution recognizing Mrs. Consolacion Flores Fleming for earning the distinct title of being the "Oldest Living Person in the CNMI", at the golden age of 99, during the "Mes Man Amko - May 2000" celebration.

Offered by: Rep. Norman S. Palacios and seventeen others

Speaker Fitial: Can we effectuate suspension motion to consider this resolution?

Floor Leader Babauta: Mr. Speaker, otherwise overruled by the members, I kindly urge this Chamber to calendar for today's action the Resolution when we arrive on the Resolution Calendar.

Speaker Fitial: There being no objection from the members, such Resolution will be numbered and calendared accordingly.

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

Sen. Comm. 12-33: Informing the House that the Senate accepted the Conference Committee amendments to H.B. No. 12-1, CS2, HD3, SD2, "Appropriations and Budget Authority Act of 2000," on May 11, 2000. [For inf.]

Sen. Comm. 12-34: Return of House Bill No. 12-087 (PSS CIP Amendment for two high schools) which was passed by the Senate without amendment on May 11, 2000. [For inf. – Before the Governor]

Sen. Comm. 12-35: Return of House Bill No. 12-116, HD2 (\$2M for As Matuis Infrastructure) which was passed by the Senate without amendment on May 11, 2000. [For inf. – Before the Governor]

Sen. Comm. 12-36: Return of House Bill No. 12-101 (CNMI Ambulance Fee Act of 2000), which was passed by the Senate without amendment on May 11, 2000. [For inf. – Before the Governor]

Sen. Comm. 12-37: Informing the House that the Senate accepted the House amendments to Senate Bill No. 12-40 (re Vested Service Credit for Board and Commissions) on May 11, 2000. [For inf.]

Sen. Comm. 12-38: Informing the House that the Senate accepted the House amendments to Senate Bill No. 12-42 (re Clarify duties and limits of liability of the Director of Public Lands) on May 11, 2000. [For inf.]

Sen. Comm. 12-39: Informing the House that the Senate accepted the House amendments to Senate Bill No. 12-51 (re Conversion of Salary Adjustment to Vesting Service Credit) on May 11, 2000. [For inf.]

Sen. Comm. 12-40: Transmittal of Senate Bill No. 12-34, entitled, "To prohibit acts of domestic and family violence and to establish remedies, penalties, and courses of treatment available to perpetrators and victims of domestic and family violence; and for other purposes," which was passed by the Senate on May 11, 2000. [For action]

Sen. Comm. 12-41: Transmittal of Senate Bill No. 12-61, entitled, "To limit homestead program participation by any person convicted of a felony drug offense; and for other purposes," which was passed by the Senate on May 11, 2000. [For action]

Sen. Comm. 12-42: Transmittal of Senate Bill No. 12-16, SD3, entitled, "To repeal and reenact the Election Law of the Commonwealth of the Northern Mariana Islands (1 CMC, Division 6 Part 1); and for other purposes," which was passed by the Senate on May 11, 2000. [For action]

Sen. Comm. 12-43: Return of House Bill No. 12-11, the "Free Trade Zone Act of 2000," which was passed by the Senate, with amendments, on May 11, 2000, in the form of H.B. 12-11, SD1. [For action on Senate amendments]

Speaker Fitial: We have Senate Communications, Floor Leader, I believe there is one that is required consideration by the House. I think two, three, four --

Floor Leader Babauta: Mr. Speaker on Senate Communication 12-43, under House Bill No. 12011, so called Free Trade Zone Act, unless otherwise it is very much clarified by the Administration's legal counsel that the amendment that was initiated by the Senate is sufficient to address the previous legislation that was vetoed by the Governor. If there is no objection from the members - unless, Mr. Speaker, the members wish to further review such communication - my recommendation as I have discussed this morning with the author, Representative Benavente that we suspend discussion and referred Senate Communication 12-43 to the original Committee, which is the Commerce and Tourism for its immediate review on the Senate Amendment. I recommend to the Chairman on Commerce and Tourism, Mr. Speaker, that a meeting be held together with the Governor's legal counsel on legislative matters and so as the Director of the Division of Public Lands.

Speaker Fitial: Can you effectuate a motion so that we can discuss it so after discussion we will know what to do?

Floor Leader Babauta: Mr. Speaker, I so move that Senate Communications 12-41, 12-42 and 21-43 be referred to their respective Committee.

Speaker Fitial: Deferment motion is undebateable so can you effectuate a debatable motion? I would like for the members to deliberate on this especially on Senate Communication 12-43, if it is the desire of the House to accept these amendments. So, just move to accept and than we can discuss and if we decided not to accept than we can reject.

Floor Leader Babauta: Mr. Speaker, I restate my motion, I move to accept Senate Communication 12-40, 12-41, 12-42 and 12-43.

The motion was seconded.

Speaker Fitial: Discussion? Representative Jones?

Rep. Jones: Since this is an overdue Bill and if the changed made by the Senate is minor, I prefer that we proceed and pass as recommended by the Senate. Otherwise, we will wait and see further amendment when it is enacted into law, but I think this is a very timely legislation that we should act on it. Thank you.

Speaker Fitial: Representative Benavente?

Rep. Benavente: Mr. Speaker, I am concern that the Governor may still have some objections, although I have heard that the language incorporated on the concerns that were raised when he Governor vetoed the original Bill have been changed to be more accommodating, as I understand it. But I think than that because of that, we can go ahead and defer action for another few days and hopefully if there is going to be session next week we can entertain, I would ask the Committee to call in those individuals that the Floor Leader pointed out and help us with the Amendments that was submitted by the Senate. I think that rather than taking a chance of getting it vetoed again, let us just work with the Governor and see if the language is acceptable to the Governor. Thank you.

Speaker Fitial: I think that is safe. Can anybody effectuate a motion to defer?

Floor Leader Babauta: So move, Mr. Speaker.

The motion was seconded and carried by voice vote.

Speaker Fitial: Senate Communication 12-43 is hereby deferred. Floor Leader?

Floor Leader Babauta: Mr. Speaker, again, at the request of the Chairman of the Board of Election and the Executive Director yesterday, they are requesting if the House can allow them the opportunity to review the last minute amendment on the floor of the Senate with respect to Senate Bill No. 12-16, Senate Draft 3. So, with this, Mr. Speaker, I move that Senate Communication 12-42 be referred to the Committee so that we may allow the Board of Election to review the last minute amendment on the floor on their last session.

The motion was seconded and carried by voice vote.

Speaker Fitial: Senate Bill No. 12-16, Senate Draft 3, is hereby referred back to the Committee on Judicial and Governmental Operations.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: At the request of several members, they wish to see Senate Communications 12-40 and 12-41 be referred to the Committee for proper disposal.

The motion was seconded and carried by voice vote.

Speaker Fitial: Senate Communications 12-40 and 12-41 are hereby deferred and referred.

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

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. 12-106, 12-107 and 12-108.

The motion was seconded.

S. C. R. NO. 12-106: Reporting on House Bill No. 12-093, entitled, "To amend Public Law 7-38; and for other purposes." *Your Committee on Health and Welfare recommends that the House file the bill. (Deferred)*

S. C. R. NO. 12-107: Reporting on House Bill No. 12-128, entitled, "To prohibit the use or application of insecticide, pesticide or any other form of chemical at least one thousand (1000') away within the perimeter of any water spring or water well being utilized for public purposes which might endanger the livelihood of the CNMI residents; and for other purposes." *Your Committee on Health and Welfare recommends that the House file the bill. (Deferred and referred back to Health and Welfare Committee.)*

S. C. R. NO. 12-108: Reporting on House Bill No. 12-129, entitled, "To amend 1 CMC, Section 8313 by providing for a new definition of 'handicapped class members'; to amend 1 CMC Chapter 2 providing for new Section 8335; to amend 1 CMC Section

8361; to amend 1 CMC, Section 8362 by adding a new subsection '(g)'; and for other purposes." *Your Committee on Health and Welfare recommends that the House file the bill. (Adopted)*

Speaker Fitial: Discussion? Representative Attao recognized.

Rep. Attao: Mr. Speaker, on Standing Committee Report No. 12-106, this is relative to House Bill No. 12-93, I would like to ask the Chair and the respective Committee as to whether or not comments was solicited form DPS or whether or not public hearing was conducted?

Speaker Fitial: Will the Committee Chair respond directly?

Rep. Peter: Thank you, Mr. Speaker. There was no public hearing conducted on this particular bill. We only conduct public hearings on Bills we see are controversial. The Committee had decided to file this Bill because of the fact that it is lowering the licensing fee from \$25 to \$20. Also in the Bill, it is requesting that if you have five or less firearms it will be licensed under one permit. The Committee feels that that is not acceptable and therefore it is where it is right now with all due respect to the author. Thank you.

Rep. Attao: Mr. Speaker?

Speaker Fitial: Proceed, Representative Attao.

Rep. Attao: On page 1, Section 2, line item 5, the Bill is very clear that the identification card will allow five firearms may be listed with an additional of \$20 per firearm, this is what the Bill stated. However, the Committee Report is inconsistent with what the Bill is calling for and this is major Bill, Mr. Speaker, in amending P. L. 7-38. That is why I asked whether there was a public hearing conducted, because this particular Bill was referred to an expert.

Rep. Peter: Mr. Speaker?

Speaker Fitial: Proceed.

Rep. Peter: This Bill also amends for an individual to allow them to own up to five firearms? -- No.

Rep. Attao: The identification card can only accommodate five firearms in one card. So, to allow the firearm to be issued one identification card for five firearms, this is what the Bill is calling for with an additional \$20 per firearm rather than the existing statute. The statute today calls for \$25 per firearm. So, we are charging additional \$20 per firearm. May I ask that we defer this Standing Committee Report to the Committee and maybe take a look at it one more time, Mr. Speaker?

Speaker Fitial: Chairwoman Peter?

Rep. Peter: I could go for that if that is the author's request. We will consider that, but I hope that we have more clarification on it. I wouldn't make that on my own, Mr. Speaker, so yes, I will take it back to the Committee and get the committee members fill on this Bill.

Speaker Fitial: Representative Rosiky Camacho?

Rep. Rosiky Camacho: Mr. Speaker, I know there is one thing that I always asked myself, I don't know if this is relevant to having a car without a registration and having a gun with a registration way, way from the gun -- there's a lot of things that are loopholes in terms of having all the firearms in one registration with the absence of the guns. That, Mr. Speaker, leads into a lot of loopholes in terms of youth crime if committed. There is something that I think it is very inappropriate at this time to have one registration with five firearms. I strongly believe that the gun has to come with the registration at all times in comparison to a vehicle. And that, Mr. Speaker, I think this particular Bill is consistence with what is happening between CNMI and around the world in terms of a use of guns. I think it should be more restrictive in guns rather than the vehicle. Thanks, Mr. Speaker.

Speaker Fitial: Representative Benavente?

Rep. Benavente: Mr. Speaker, thank you. Actually the Bill has several parts. On the first part, as far as the card is concern, I have spoken with the DPS about the possibility of allowing multi gun owners the opportunity to list the gun on one card rather than someone who have five guns are being required to carry five different cards, whereas, that is not necessary. They can actually charge the \$25 and then just list on the back of the card, there is enough room to list all the different guns that you have as much as five and that is what the first part is saying. I think that is still something that they can do administratively, I am not sure if it is necessary to amend the statute for that although they feel that they can't. Anyways, in the second part, if we are going to defer action on this Bill I think the more problematic part about this Bill is -- in fact, the author may correct me if I'm wrong -- we are now trying to outlaw .223 caliber rifles. We did this several years ago I think it is back in the Seventh Legislature and what happened was, we had problems with trying with individuals who purchased this gun and we don't know how to reimburse this individuals if that is the intent of the propose legislation and so we ended up amending that law right back up to allow them to have the .223 caliber rifles. This is going to create additional problems out there in trying to confiscate or bring in those individuals who we've allowed to purchase those rifles. So, there are two parts actually and if we are going to defer action then I hope that is something that should also be discussed. Thank you, Mr. Speaker.

Speaker Fitial: Let me just share with you, I have three firearms and the Department of Public Safety just issued me one card and all three in one card.

Rep. Attao: Is that on the renewal, Mr. Speaker?

Speaker Fitial: Yes.

Rep. Attao: When was that?

Speaker Fitial: Early this year.

Rep. Attao: Mr. Speaker, they just changed the procedure. If you have five firearms they are going to issue you five cards than one.

Speaker Fitial: Mine is renewed in January.

Rep. Attao: This year?

Speaker Fitial: Yes, and I have only one card and all my three firearms are listed under one card.

Rep. Attao: Mr. Speaker, there were about six people called my office and the new assistant Attorney General assigned to the Department of Public Safety ruled that each gun has to be license early because the existing statute cover for firearm per identification card. You cannot put five firearms in one identification card.

Speaker Fitial: Well, I have my I.D. card with three of my firearms listed on that card.

Rep. Attao: Then probably, Mr. Speaker, the person issuing that is not consistent with what the Assistant Attorney General rules on procedure.

Speaker Fitial: But are you saying that we have a statute now that says that for every firearm they shall issue one card?

Rep. Attao: Each firearm has to have a card because the firearm... the "arm" there, there is no "s", instead of "arm" it is spelled "arms". So, Mr. Speaker, Representative Benavente mentioned about people having more than five firearms and they had to carry more than five licenses, this is what is going on. That is why this amendment will resolve that problem and I have another amendment, which on H. B. No. 12-20 that will address that concern.

Speaker Fitial: So, I think it is obvious now. I think we know what is obvious. Chairwoman Peter?

Rep. Peter: Mr. Speaker, I will agree to defer action because I am seeing line 8 here and it is saying that if it is for renewal every three years for \$20 each and the current law is \$25 per year. So, I would like it to be deferred Mr. Speaker, so that the committee can fix this.

Rep. Apatang: Clarification.

Speaker Fitial: State your point of clarification, Representative Apatang.

Rep. Apatang: Mr. Speaker, on line 5 down to line 8 on the \$20 fee, I would like to clarify that with the present fee is \$25 per year, so \$25 per year per weapon --

Speaker Fitial: This is a discount premium.

Rep. Peter: Defer, Mr. Speaker, I see that we need to fix this.

Rep. Jones: Second.

Rep. Attao: To facilitate this Bill, Mr. Speaker, I will strongly recommend if there is no objection to have the Chair call John Camacho, the Bishop's brother, to enlighten the Committee as to the rifles instead of hiring because I think he is the expert. So, maybe he can help the Chair.

Speaker Fitial: And I'll bring in my card Monday to show you that all three of my firearms under one card.

Rep. Attao: So there is an exception maybe to the statute.

The motion was seconded and carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-106 is hereby deferred. Floor Leader?

Floor Leader Babauta: Mr. Speaker, nothing further we go back to the main motion of having to adopt Standing Committee Report Nos. 12-107 and 12-108.

Rep. Peter: We are ready.

Speaker Fitial: Representative Hofschneider?

Rep. Hofschneider: I understand that the Committee Report would rather go with DEQ whatever they have currently in place - one of the problems, Mr. Speaker, is that, even though it is an EPA approved pesticide it does not mean it is safe for ground water. The closer you are to the ground water area the more abandoned the usage of pesticides because if it is EPA certified so it is contaminating the ground water. There are only five approved major pesticides by EPA and out of the five there two or three that are required to applicator must gone through a course and be certified in the application does not mean necessarily that because it is EPA's approved that it is safe. We are in the meets of PCB contamination in the Commonwealth and recently if you get a hold of the ground water report, it will tell you that there's a lot of contamination going on. What this Bill is merely trying to state is, if you are using pesticide closer than 1000 feet from ground water well or ground water source that it be prohibited. I don't see how EPA can honestly say that it is safe even though it is EPA approved. One of the three approved for controlled use that is also present in the Commonwealth is a substance containing cyanide and not only this EPA approve pesticides, but there are others being used

currently that contains very harmful compounds such as *acrogens*, *alachlore*, as I mentioned cyanides. Cyanogens are one of those that contain a compound of cyanides. These are all EPA approved. So, what this Bill is merely stating is that, do not use pesticide if you are in the vicinity of a 1000 feet or less to a ground water source. We should revisit this issue. This is a very good Bill. It is trying to protect the ground water. Just because EPA approves doesn't mean that it is safe. The usage is being approved and part of the condition using these fire chemicals is, you must be trained and I really doubt if a lot of the people use these compounds are certified applicators. There was an incident in Tinian, however EPA or DEQ was on top of things and efficiently and expediently stopped the usage of those foreign manufactured compounds or pesticides. But since the Committee Report is simply referring to EPA approved compounds this is not necessarily accurate in the sense that DEQ will be sufficient to allow usage of pesticides. Under the Ground Water Act of the current EPA there is restrictions when you are closer than a 1000 feet the ground water, but the usage is being allowed.

Rep. Benavente: Point of information, Mr. Speaker.

Speaker Fitial: State your point of information.

Rep. Benavente: On the comments that were submitted by DEQ, if Representative Hofschneider will look at page 1, second to the last paragraph, there is actually requirement right now that if any pesticides, whatever kind of pesticides whether it is legal or not legal, probably not legal is to be used that if there is a structure nearby and an application needs to be submitted and they find that there's water wells around that are within 1000 feet then the application will be denied. So, I think what DEQ is saying in their testimonies that they do have the regulations in placed which would protect the concerns being raised by the Legislature.

Speaker Fitial: Right.

Rep. Hofschneider: I agree, but, Mr. Speaker, I guess what I am trying to say is, if you are going to apply for pesticide within the area in question, which is 1000 feet or less and it is approved then that means it is okay to pollute the ground water because it is approved by applying and the DEQ approves it? What we are saying is "no," absolutely no pesticide activity within the area so we are going one step above the regulation.

Speaker Fitial: What are you saying is, we should ban any and all kinds of pesticides within 1000 feet of the water stream?

Rep. Hofschneider: Absolutely.

Speaker Fitial: I agree with you. But my question here, Chairwoman Peter, why are we giving CUC -- Is CUC here well-equipped to handle testing of --?

Rep. Peter: We are giving CUC -- which part is that, Mr. Speaker?

Speaker Fitial: Section 3 of the Bill.

Rep. Peter: The Bill?

Speaker Fitial: I am not really familiar with the water division of CUC.

Rep. Hofschneider: May I answer that, Mr. Speaker?

Speaker Fitial: Representative Apatang?

Rep. Apatang: Mr. Speaker, I know that CUC for a fact have a lab and they do test the water wells in their own lab to make sure that it is quality water that is why they are involved in this also.

Rep. Peter: Mr. Speaker?

Speaker Fitial: CUC test the city water, but do they also test private wells?

Rep. Apatang: No.

Rep. Benavente: DEQ is doing it now.

Speaker Fitial: They are just doing it? I know DEQ is handling the test of private water wells. So, why are we giving the CUC water division to be the one responsible for managing this?

Rep Peter: May I refer that to the author?

Speaker Fitial: I think I am questioning the opposite.

Rep. Hofschneider: Mr. Speaker, this is one of those environmental concern that you made it a point for us in the Twelfth Legislature to be undertaking and perhaps the Committee can reword certain sections here, particularly section 3. I would like to share that this is one area that DEQ and CUC overlap in responsibility as to water quality. Nevertheless, CUC is mandated to monitor there water quality because they are the public water producers and they have to be responsible in maintaining the quality standard of their water wells when it comes to government well. I can understand the rationale why putting CUC here, but perhaps the Committee can further restrict and resolve those overlapping provisions in the Water Quality Act. But I believe, Mr. Speaker, that we can take a look at this again and think seriously. I mean it was just weeks ago that we were enlighten by their reports that majority of the wells on Saipan are contaminated.

Speaker Fitial: Right. They are not only referring to the private because EPA --

Rep. Hofschneider: Public.

Speaker Fitial: No. The city water, the public water according to EPA, Norman Lovelace and DEQ, Ike Cabrera, public water is safe to drink except because of the salty, high sodium content.

Rep. Hofschneider: Then I refer to our Standing Committee to get a hold of that report where they showed an appreciable rise in lead content in Kagman area and petroleum products in Koblerville area. Mr. Speaker --

Speaker Fitial: Are you referring to the public water?

Rep. Hofschneider: Public wells.

Speaker Fitial: Well, I am telling you exactly what Lovelace had reported to the leadership when we met here several days ago that according to their testing, because they also test the public water --

Rep. Hofschneider: I may be wrong, Mr. Speaker.

Speaker Fitial: The public water is safe to drink. In other words it is not contaminated. The only thing uncomfortable with it is that it is too salty. Representative Benavente?

Rep. Benavente: Mr. Speaker, I am looking at the Bill and I don't see any provision that would take into consideration the situation at Kagman farm areas where several wells were actually installed for the use for the farmers back there. I think by enactment of this law would restrict the farmers the use of any legal pesticides which it will not be possible for them then to farm at all. So, I am just looking that maybe it is better to allow DEQ the present regulation how they deal with our water rather than providing restrictions that might end up impact to the farmers maybe not only in Kagman, but other parts even Tinian and Rota. I know that there are several wells in Kagman that were put in place just for the use of the farmers and I am sure that DEQ would be monitoring the kind of pesticides they use back there anyway. So again, this Bill would impact those individuals.

Rep. Jones: Mr. Speaker?

Speaker Fitial: Representative Jones?

Rep. Jones: As the author of the Bill, there are good points being raised and I highly recommend also that we return this back to the Committee and do refine work on it with all due respect to the Chair. So move.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Standing Committee Report No. 12-107 is deferred and referred. Standing Committee Report No. 12-108, any discussion? Ready?

The motion to adopt Standing Committee Report No. 12-108 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-108 is adopted.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the adoption of House Resolution No. 12-50.

The motion was seconded.

H. R. NO. 12-50: A HOUSE RESOLUTION RECOGNIZING MRS. CONSOLACION FLORES FLEMING FOR EARNING THE DISTINCT TITLE OF BEING THE "OLDEST LIVING PERSON IN THE CNMI", AT THE GOLDEN AGE OF 99, DURING THE "MES MAN AMKO - MAY 2000" CELEBRATION.

There was no discussion raised.

The motion to adopt House Resolution No. 12-50 was carried by voice vote.

Speaker Fitial: The motion carries.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Recognized.

Floor Leader Babauta: Mr. Speaker, I know I am few seconds late, but if there is no objection from the members, I request that House Resolution No. 12-50 be introduced of course by the author and the Committee as a Whole since most of the members are now here, if there is no objection.

There was no objection raised.

Speaker Fitial: So ordered.

BILL CALENDAR

Speaker Fitial: So, the Bill under the Bill Calendar, House Bill No. 12-117, is that still being deferred?

Rep. Jones: Ready for action.

Speaker Fitial: Ready for action. Okay, Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the passage of House Bill No. 12-117 on First and Final Reading.

The motion was seconded.

H. B. NO. 12-117: A BILL FOR AN ACT TO REPEAL TITLE 4 CMC DIVISION 5, CHAPTER 5 IN ITS ENTIRETY, VACATE 94-3 SECTION 302 (c) AND REPLACE WITH A NEW DIVISION 5, CHAPTER 5, ENTITLED THE ALCOHOLIC BEVERAGE CONTROL ACT OF 2000; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-117, House Substitute 1, on First and Final Reading 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	yes
Rep. Antonio M. Camacho	excused
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Heinz S. Hofschneider	yes
Rep. Brigida DLG. Ichihara	excused
Rep. Dino M. Jones	yes
Rep. Alejo M. Mendiola, Jr.	excused
Rep. Norman S. Palacios	yes
Rep. Thomas B. Pangelinan	yes
Rep. Maria "Malua" T. Peter	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	excused
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-117, passes the House.

Floor Leader Babauta: Clarification, Mr. Speaker.

Speaker Fitial: State your point of clarification.

Floor Leader Babauta: It should be House Bill No. 12-117, House Substitute 1.

Speaker Fitial: So noted.

MISCELLANEOUS

The Chair recognized Rep. Hofschneider.

Rep. Hofschneider: Last session, Mr. Speaker, I introduced a non-innocuous Resolution commemorating the week of EMS and I believe inadvertently it was referred to the Committee and held there. Today is the last day for EMS it would have been appropriate for the Committee to present that Resolution to the EMS week. Thank you.

Speaker Fitial: Which committee was it referred to?

Rep. Hofschneider: I do not know, Mr. Speaker, but it never go calendared.

Chairwoman Peter: Health and Welfare, Mr. Speaker.

Speaker Fitial: I would assume. Short recess.

The House recessed at 4:10 p.m.

RECESS

The House reconvened at 4:15 p.m.

Speaker Fitial: The House shall reconvene.

Chairwoman Peter: I am waiting for a Committee Report. It suppose to have been adopted, but I know that has no problem, Mr. Speaker, it was just that the Committee Report is not drafted.

Speaker Fitial: So, if today is the last day, can we rectify?

Floor Leader Babauta: If there is no objection, particularly -- recognize, Mr. Speaker?

Speaker Fitial: Yes, you are recognized, Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Particularly from the Chair, we can act on the Resolution right now.

There was no objection raised.

Speaker Fitial: Floor Leader recognized.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, if there is no objection can we move back to Item 15 on the Agenda?

There was no objection raised.

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the suspension of Rule VII, Section 9 to calendar House Resolution No. 12-47, so move, Mr. Speaker.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: I now move for the adoption of House Resolution No. 12-47.

The motion was seconded.

H. R. NO. 12-47: A HOUSE RESOLUTION TO DESIGNATE THE WEEK OF MAY 12-20 2000 AS EMERGENCY MEDICAL SERVICES WEEK.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: If I am in order, Mr. Speaker, I would like to offer an oral Floor Amendment.

Floor Leader Babauta: No objection, Mr. Speaker.

Speaker Fitial: Proceed.

Rep. Hofschneider: Thank you. On the title, delete "designate" and insert "acknowledge". On page 2, line 6, removing "designating" and inserting "acknowledging" and line 9 again, delete "designate" and insert "acknowledge".

Rep. Benavente: Ready.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Further discussion? Okay.

The motion to adopt House Resolution No. 12-47, House Draft 1, was carried by voice vote.

Speaker Fitial: House Resolution No. 12-47, H. D. 1, is hereby adopted.

MISCELLANEOUS

The Chair recognized, Rep. Pangelinan.

Rep. Pangelinan: For the last many issues of the Marianas Variety newspaper, some members of the Board of Education have been very critical against the "Legislators" on Bills affecting the Public School System I think they are angered because they have not been "consulted". We have been accused that -- the Legislators -- no specific names mentioned, have failed to consult them on these Bills. The process it takes to pass a bill by both houses requires introduction of the bill, assigning to appropriate committee, the appropriate committee then solicits written public comments and/or conduct public hearings, Mr. Speaker, if you look in any dictionary the word "consulting" means requesting your opinion of the matter, and at any time the Legislators introduced a bill affecting the Public School System the Committee then sends out message for public comments. That to me, is a direct way, direct strategy of consulting with as well as the most powerful consultation of all with is the public hearing and we have done so much of those. Unless they know of a strategy call of consulting with that we don't know, or I don't know of.

Speaker Fitial: We need to re-consult it then.

Rep. Pangelinan: I don't know, but I felt that soliciting for public comments and/or conducting public hearing is sufficient, so sufficient that it fall with the accurate reign of consultation with. That is about it, Mr. Speaker. Thank you.

ANNOUNCEMENT

The Chair recognized Rep. Palacios.

Chairman Palacios: For the presentation of House Resolution No. 12-50, it will be in Tinian at eleven o'clock p.m., Mr. Speaker, at the residence of Mrs. Rosalia Fleming.

Speaker Fitial: P. M.?

Chairman Palacios: Correction, a.m. on Monday. So, all of you are invited -- next week Monday.

Speaker Fitial: I just want to make sure that all the members received a copy of the letter from the Retirement Fund Administrator sent to us. If it s a letter he received from the *Buck* Consultants referencing the proposed legislation to eliminate the Class I benefits. I

have requested the Fund Administrator to schedule a meeting with the *Buck* Consultants who will be visiting Guam Liaison so, we will ask them to proceed on to Saipan to meet with us and he will be advising us when the meeting will be held and what time. Proceed.

Rep. Hofschneider: Mr. Speaker, can we get maybe Ways and Means Committee Chairman to write a letter in anticipation of that visit to also prepare for the Legislature a full analysis of the unfunded liability particularly to those legislations over the years that had contributed to or the unfunded liabilities attributed to because I keep hearing that because of those over the years legislations the unfunded liabilities somewhere around little over Two Hundred Million Dollars and we would like to be educated as to how one legislation can fundamentally impact the Retirement Fund.

Speaker Fitial: Right. As a matter of fact that is the croaks of our discussion yesterday with the Fund Administrator. The most serious problem contributing to the unfunded liability is the fact that the government is not paying its share. That, is their most critical problem facing the Retirement Fund Program and it has been for many years and there doesn't seem to be any feeling -- no appetite.

Rep. Jones: Ready, Mr. Speaker.

Speaker Fitial: Anyway, I did asked him for exactly what you are asking for when these people come in to also help us understand the impact of those previous legislations that were passed affecting the Retirement Fund Program. Floor Leader?

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

The motion was seconded.

The House adjourned at 4:25 p.m. subject to the call of the Chair.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House Representatives