

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

FIRST DAY

June 12, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its First Day, Seventh Special Session, on Monday, June 12, 2000, at 10:10 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.

Mr. Perios Besong was appointed Acting Sergeant-At-Arms.

A moment of silence was observed.

In accordance with Rule XIII, § 2(a), sixteen members were present. Representatives Norman S. Palacios and Thomas B. Pangelinan were excused.

Speaker Fitial: A quorum is duly constituted for the First Day of our Seventh Special Session. All members absent are excused.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

H. B. NO. 12-202: A Bill for an Act to re-appropriate fund balances from Public Law 9-24; and for other purposes.

Offered by: Rep. Jesus T. Attao and four others

H. B. NO. 12-203: A Bill for an Act to provide for an educational expense exemption for CNMI taxpayers on certain education expenses; and for other purposes.

Offered by: Rep. William S. Torres

Referred to: Committee on Ways and Means

H. B. NO. 12-204: A Bill for an Act to amend Section 2 in P.L. 10-88; and for other purposes.

Offered by: Rep. William S. Torres

Referred to: Committee on Judicial and Governmental Operations

H. B. NO. 12-205: A person(s) is guilty of deprivation of communications if the person causes a telephone(s) to be inoperable during the commission of a crime of violence, providing certain penalties; defining a certain term; and for other purposes.

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

Referred to: Committee on Public Utilities, Transportation and
Communications

H. B. NO. 12-206: A Bill for an Act to prohibit a person(s) from using telephone(s) or electronic mail in a certain manner and with a certain intent; providing

certain penalties; defining a certain term; and generally relating to the misuse of electronic mail; and for other purposes.

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

Referred to: Committee on Public Utilities, Transportation and
Communications

H. B. NO. 12-207: A Bill for an Act to provide for a system of village-based license plates; to regulate the fees for vanity plates; and for other purposes.

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

Referred to: Committee on Judicial and Governmental Operations

H. B. NO. 12-208: A Bill for an Act to provide for the licensing and regulation of finance companies, other than banks, making consumer loans.

Offered by: Rep. Oscar M. Babauta

Referred to: Committee on Commerce and Tourism

H. B. NO. 12-209: A Bill for an Act to repeal and reenact 1 CMC 1601-1616; and for other purposes.

Offered by: Rep. Oscar M. Babauta

Referred to: Committee on Judicial and Governmental Operations

H. L. B. NO. 12-9: A House Local Bill to amend Saipan Local Law 12-2, Section 2; and for other purposes.

Offered by: Rep. Jesus T. Attao and three others

Referred to: Committee on Ways and Means

H. L. I. NO. 12-2: A House Legislative Initiative to propose an amendment to the CNMI Constitution to permit legislation allowing for reemployment of retirees in government without losing their retirement benefits in occupational categories as provided by law, and for other purposes.

Offered by: Rep. William S. Torres

Referred to: Committee on Judicial and Governmental Operations

Speaker Fitial: Is one of your Bills concerns the stage for Oleai Elementary School?

Rep. Attao: Yes, that is correct Mr. Speaker. If there is no objection, Mr. Speaker, I'll ask the permission or approval of the leadership to have that particular Bill placed on today's Bill Calendar for action.

There was no objection raised.

Speaker Fitial: No objection.

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-56: A House Resolution to extend the deepest sympathy and condolences of the House of Representative, Twelfth Commonwealth Legislature, to the family, religious family (Society of Jesus) and friends and parishioners of the late Reverend Father Gary J. Bardley, SJ.

Offered by: Rep. Maria "Malua" T. Peter and fifteen others

H. R. NO. 12-57: A House Resolution to extend the condolences and sympathy of the House of Representatives, Twelfth Commonwealth Legislature to the family of the late Pedro Taisacan Nakatsukasa for his untimely passing.

Offered by: Rep. Maria “Malua” T. Peter and fifteen others

Speaker Fitial: Anymore resolutions for introduction? If there’s no objection, can we also place those two Resolutions just introduced by Representative Peter on today’s Calendar.

There was no objection raised.

Speaker Fitial: Messages from the Governor.

MESSAGES FROM THE GOVERNOR

Gov. Comm. 12-56 – June 5, 2000 – Informing the Legislature that he signed House Bill No. 12-87 (PSS CIP Amendment for two new high schools) into **Public Law 12-5**.

Gov. Comm. 12-57 – June 5, 2000 – Informing the Legislature that he signed House Bill No. 12-101, HD1 (Ambulance Fee Act of 2000) into Public Law 12-6.

Gov. Comm. 12-58 – June 5, 2000 – Informing the Legislature that he signed House Bill No. 12-116, HD2 (\$2M Appropriation for As Matuis Infrastructure Project) into Public Law 12-7.

Gov. Comm. 12-59 – June 5, 2000 – Informing the Legislature that he disapproved House Bill No. 12-1, CS2, HD3, SD2, CCS1 (Appropriations and Budget Authority Act of 2000).

The Chair recognized Rep. Jones.

Rep. Jones: Thank you, Mr. Speaker. On behalf of the people of Precinct IV particularly, those villages on the northern part of Saipan, I extend a sincere appreciation to Governor Tenorio, our current Governor for enacting House Bill No. 12-116 into Public Law No. 12-7, which appropriate money for various public project particularly the need of quality and quantity of water in Precinct IV. Thank you, Mr. Speaker.

Speaker Fitial: Anymore comments?

Rep. Attao: Ready.

Floor Leader Babauta: Ready.

Speaker Fitial: Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, thank you. Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-119, Senate Bill No. 12-36.

The motion was seconded.

S. C. R. NO. 12-119: Reporting on Senate Bill No. 12-36 entitled, “To require insurance coverage for individuals with diabetes in the Commonwealth; and for other purposes.” Your Committee on Health and Welfare recommends that the bill be passed in the form of S.B. 12-36, HD1. ***[DEFERRED]***

Speaker Fitial: Discussion on Standing Committee Report No. 12-119? Representative Hofschneider?

Rep. Hofschneider: Yes, Mr. Speaker, just a question to the counsel if they have review this particular benefit plan if it is consistent with the recent?

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: What is the desire of the body shall we resolve into Committee as a Whole or a short recess?

Rep. Benavente: Short recess.

Speaker Fitial: Short recess.

The House recessed at 10:13 a.m.

RECESSED

The House reconvened at 10:19 a.m.

Speaker Fitial: The House shall reconvene. Floor Leader?

Floor Leader Babauta: Mr. Speaker, at the request of the Chair and the members, I wish to withdraw my motion.

Speaker Fitial: Motion to defer action on Standing Committee Report No. 12-119.

The motion to defer action on Standing Committee Report No. 12-119 was carried by voice vote.

Speaker Fitial: The motion carries. Suspension motion, Floor Leader recognized.

Floor Leader Babauta: Mr. Speaker, can we have a short recess so we wait for the two resolutions.

Speaker Fitial: Short recess.

Representative Stanley T. Torres came in at 10:20 a.m.

The House recessed at 10:20 a.m.

RECESSED

The House reconvened at 10:25 a.m.

RESOLUTION CALENDAR

Speaker Fitial: Let the record show that Representative Stanley Torres is now present. I now recognize the Floor Leader for the two measures that we will be considering.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the suspension of Rule VII, Section 9 for the adoption of House Resolution Nos. 12-57 and 12-57.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I now move for the adoption of House Resolution Nos. 12-56 and 12-57.

The motion was seconded.

H. R. NO. 12-56: A HOUSE RESOLUTION TO EXTEND THE DEEPEST SYMPATHY AND CONDOLENCES OF THE HOUSE OF REPRESENTATIVE, TWELFTH COMMONWEALTH LEGISLATURE, TO THE FAMILY, RELIGIOUS FAMILY (SOCIETY OF JESUS) AND FRIENDS AND PARISHIONERS OF THE LATE REVEREND FATHER GARY J. BARDLEY, SJ.

H. R. NO. 12-57: A HOUSE RESOLUTION TO EXTEND THE CONDOLENCES AND SYMPATHY OF THE HOUSE OF REPRESENTATIVES, TWELFTH COMMONWEALTH LEGISLATURE TO THE FAMILY OF THE LATE PEDRO TAISACAN NAKATSUKASA FOR HIS UNTIMELY PASSING.

Speaker Fitial: Discussion? Representative Benavente?

Rep. Benavente: Thank you, Mr. Speaker. I am sure that everyone is ready to approve and adopt House Resolution Nos. 12-56 and 57, but I think most especially with regards to House Resolution No. 12-56, I would like to provide some comments for the record and for the action of this body with regards to the passing of a great man and that is Father Bradley. He was a personal friend, I also consider a very person in this community, in my life and my families life. I live just a few steps away from the Cathedral in Chalan Kanoa, but every Sunday when I go to mass, I always get my kids and my wife -- put them in our 4 Runner and drive up to Garapan Church just to attend

the services offered by Father Bradley. Somehow, his sermons have always meant – there’s always special meanings in his entire service. I believe that not only that I lose a close friend, but I think that this community the entire Commonwealth has lose a very important person, a person that has impacted this community. A lot of times I’ve sit back and say, “can you imagine what this community would be like if Father Gary for the last twenty-five years”, he is only here for seven years. And what he has done to this community is a lot. I always sit back and say, “if Father Gary was here for the past twenty-five hears this community would be something else”. Mr. Speaker, the Commonwealth of the Northern Mariana Islands has lost a great person, a great religious leader here in the Commonwealth. Thank you, Mr. Speaker.

Speaker Fitial: Further deliberation on the adoption of these two Resolutions? Representative Jones?

Rep. Jones: Thank you, Mr. Speaker. I would like to be enlightened as to whether or not the state funeral is discontinued? As I understand it earlier that is the situation.

Speaker Fitial: State funeral for who?

Rep. Jones: For elected leaders.

Speaker Fitial: My understanding is for incumbent active members. So, if you don’t return next election you loose that privilege.

Rep. Jones: Yes. I might not return in this House. Thank you, Mr. Speaker.

Speaker Fitial: Further deliberation? Ready?

The motion to adopt House Resolution Nos. 12-56 and 12-57 was carried by voice vote.

Speaker Fitial: House Resolution Nos. 12-56 and 12-57 are hereby adopted.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Earlier we defer action on Standing Committee Report No. 12-119, covering Senate Bill No. 12-36, House Draft 1. At the request, Mr. Speaker, I move for the suspension of Rule VII, Section 9 and suspension of Rule IX, Sections 9 and 10 for the placement and passage on First and Final Reading House Bill No. 12-202 so move.

The motion was seconded.

Speaker Fitial: Discussion? Representative Tony Camacho?

Rep. A. Camacho: Mr. Speaker, on House Bill No. 12-202 –

Speaker Fitial: I did not hear –

Floor Leader Babauta: Point of clarification, Mr. Speaker.

Speaker Fitial: Did he mention that there is no –

Rep. Hofschneider: There is.

Speaker Fitial: State your point of clarification, Floor Leader.

Floor Leader Babauta: Mr. Speaker, the motion is for the suspension of Rules that I earlier stated.

The motion to suspend Rule VII, Section 9 and Rule IX, Sections 9 and 10 for the placement and passage on First and Final Reading House Bill No. 12-202 was carried by voice vote.

Speaker Fitial: The motion carries. Passage motion Floor Leader.

Floor Leader Babauta: Mr. Speaker, I now move for the passage on First and Final Reading House Bill No. 12-202.

The motion was seconded.

H. B. NO. 12-202: A BILL FOR AN ACT TO RE-APPROPRIATE FUND BALANCES FROM PUBLIC LAW 9-24; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative William Torres?

Rep. W. Torres: Mr. Speaker, if there is no objection –

Speaker Fitial: No objection.

Rep. W. Torres: I would like to be a sponsor.

Speaker Fitial: You are included.

Several members voiced, “ready”.

Speaker Fitial: Ready? Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-202 on First and Final Reading 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
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	excused
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: House Bill No. 12-202 passes the House on First and Final Reading. At this time I would like to take this opportunity to ask the House to recognize the presence of our friend from Washington, D. C., Mr. *Manasse Monsur* and his better half, *Manatali*. (Applause). Also it is an honor to have with us in the gallery, the Seventh Graders of Hopwood Junior High, “welcome to the House”. (Applause) Fifteen years from today when you are sitting in this Chamber, I will be coming to you for recognitions.

MISCELLANEOUS BUSINESS

The Chair recognized Rep. Hofschneider.

Rep. Hofschneider: Mr. Speaker, I would like to ask the indulgence of the members and especially you, Mr. Speaker, as the Governor's Prison Task Force Chairman, I would like to set aside a date with all the members and abreast you with where we are today with the prison projects. As you all know, the U.S. Congress set aside Five Million Dollars of our Covenant Funding, which includes Half a Million Dollars for Crime Lab. And along the way, Mr. Speaker and members, in order for the Susupe adult facility to be constructive it requires a substantial area in Susupe which potentially would have to get rid of the existing facility that we have recently completed renovating to comply with the consent decree filed in Federal Court. Part of that suggestion and potential request would be to consider moving DPS Administration Building to the front where the old court is. The court had been accessed to be quite old and the physical constraint in itself was designed in those days to accommodate a fifteen thousand population. Today, the building itself the old court facility would not be in the best interest of the taxpayers if we were to renovate it and expand it. Those building have been built in 1967 or 1968 if I am not mistaken. It is only logical to propose breaking down the old court building and construct a Department of Public Safety Administration Building and I will be coming in with all the information that we all need to make those assessment. In the mean time, progress is ongoing on the design of Susupe and Juvenile in Kagman. Susupe based on competitive bidding would come around Twenty-Two Million Dollars to complete. The Kagman facility is under bid right now and it is anticipated to be anywhere between Four and Five Million Dollars. The Susupe facility will house 344 bed cells and part of that accommodation is to merge the immigration detention and do away of duplicate function of incarceration or detention facility. So, it will be house in the main central facility. The U. S. Marshall has requested over the years and we are accommodating them with 25 bed cells with a reimbursable rate to be negotiated. So that is where we are and before further

detail design goes into the DOC facility, I would like to present to you, Mr. Speaker and members, where we are today with the prison project, especially the DPS.

Speaker Fitial: I had the opportunity to talk to their design people last week and they mentioned to me a figure of \$17 Million for the prison.

Rep. Hofschneider: Mr. Speaker, that is the figure that we've been giving them based on the approved budget on the 702 package that we approved it only take \$17 Million and that is the amount that we can honestly commit to the designers to design a \$17 Million, but given the request and the needs for the Commonwealth for the next 20 years, we cannot build a facility for \$17 Million that includes those federal mandates. For instance, we've never had a Law Library and under Federal Law this makes incarcerated they have the right to access some sort of Law Library. Psychiatric ward for instance as you all know, the Public Defender is been very critical of the administration particularly on psychiatric inmates. We've never had a psychiatric facility in the Susupe Correctional facility, what it all amount is now we're realizing that we have to provide classifications. The U. S. Department of Justice is very cooperative in assisting the Commonwealth with technical people. In doing classifications, there's roughly about 25 classifications based on behavior and degree of offense that we have over the years accumulated in our Susupe facility. But to answer the \$17 Million, the Task Force cannot go beyond \$17 Million because the \$17 Million is the amount that we have approved under the 702. But fiscally and realistically the Susupe facility will come around \$22 Million. If we were to stick with \$17 Million then we would have to reduce the bed cells. Right now, we have a little over a 100 inmates in Susupe, both minimum security and medium to maximum security. 100 cells, you take away 100 cells from 344, you have 244, you take away 54 immigrants and 25 that is 75, you have roughly about 125 cushion and the projection that we have been working is based on 20 year projection road. What is more interesting and important to consider is not the facility we need to come together, Mr. Speaker, and create a Criminal Justice counsel. We have been discussing with the Superior Court Judge Manibusan and the Governor to compose or to come up with a Criminal Justice

counsel to oversee not only what we have in coded in our CNMI Books, but look at alternatives sentencing for instance, to further reduce the number of inmates going into not all arrestees require detention or incarceration. There's such a thing now in the States where they practiced your sentence but then you are sent home, you do check-in and check-out procedure these are called alternative sentencing without obligating a bed cell in the facility. Managing 344 bed facility without looking at the overall scope of the Criminal Justice system would be fruitless in our view, Mr. Speaker and members no matter how many bed cells we build if the Criminal Justice system continues to operate under current state then we will be looking at funding potentially double if not triple the existing cost of maintaining a Susupe facility. The critical thing is, we look through the efforts of our Prison Consultant out of New Jersey the *Lakeman Associates* they had produced a preliminary report giving a very alarming view of our Criminal Justice system. The Department of Public Safety is inadequately staffed with the right technical people. For instance in the area of investigations, in most cases 40% of cases never make it to the Attorney General's Office. On the same token, the Attorney General's Office needs a review in those cases that were presented to the Attorney General's Office it is alarming that only small percentage of cases ever make it down to court for adjudication. In the case of the court system, we find that the judges themselves had to take the role of an agency making decisions, in this case it is very frightening that there is a sense of loose confidence perception in our criminal justices in the community simply because a lot of the arrestees end up being released without an appropriate adjudication in front of a judge. These are the things, Mr. Speaker, that the Criminal Justice counsel will be authorize to make changes we are proposing to create a Criminal Justice to over look. In the last Legislature the Attorney General's Office submitted the Criminal Code and if you have seen the Criminal Code it is about five inches thick and a lot of it are not pattern towards this culture is all about. There is such thing as mitigation cultural mitigation is not part of that Criminal Code. There are a lot of things that boilerplates had been adopted over the years that does not make any sense to this community. We need to revisit those criminal codes and the criminal justice system as a unit. They have to work to a unison way of organization and function.

Speaker Fitial: Can I ask a question? Is it a constitutional duty mandate for the government to provide facilities for inmates?

Rep. Hofschneider: Facility, no, if you provide for incarceration yes. If the law states that you must send a prisoner in the facility then that facility must follow some form of standards, ACA standards for instance, and then there are federal mandates that are on top of ACA standards that insist upon the rights of inmates. Religious practice, like I said, when they have a toothache, we don't have a medical clinic currently emplace in our Susupe facility so it requires three officers to bring a person or an inmate to the hospital or the dental clinic.

Speaker Fitial: The reason why I came up with that question is that, I am thinking of asking the legal counsel to look into privatizing the prison and let whoever takes over assess fees or charges or even charge them for staying in the prison.

Rep. Hofschneider: That will be a business, Mr. Speaker.

Speaker Fitial: Really. Let us be proactive and start charging them for staying in a comfortable air-condition facility.

Rep. Hofschneider: I wish we could do it. But in terms of privatization, Mr. Speaker, the Department of Justice come out with a recent report being critical of the management of privatize prison facility especially in Texas.

Speaker Fitial: Steve, just nod, is that legally possible? -- So can you look into that Steve because these troublemakers are enjoying heaven. We will set a date, Representative Hofschneider for you to bring in the consultants, because I met them last week. Announcements.

Rep. A. Camacho: Miscellaneous.

Speaker Fitial: Miscellaneous, Representative Ton.

Chairman A. Camacho: Mr. Speaker, since we already adopted two House Resolutions giving our sympathy and condolences to the religious leader Father Bardley and our political friend Mr. Pete Nakatsukasa, I ask the Speaker to request the Governor to raise the flag tomorrow at half stat. Thank you. And even Wednesday for Father Bradley he is going to be out for burial.

Speaker Fitial: Do we have a flag in diversity?

Chairman A. Camacho: No. Everywhere, request the Governor to raise it half stat.

Speaker Fitial: I will.

Chairman A. Camacho: Thank you.

ANNOUNCEMENTS

The Chair recognized Rep. Peter.

Chairwoman Peter: Mr. Speaker, the resolution for the lat Nakatsukasa will be presented to the family tomorrow right after the 2:30 p.m. rosary. So, I would like to request our colleagues to be there and join me in presenting the resolution to the family. The resolution for Father Bradley, we will find out later this after the time. The remain of Father Bradley will be out on Wednesday morning and will be taken Garapan, Christo Rai Church for the mass as 8:00 a.m. and then taken down to Cathedral for further public viewing so I am almost very sure that the presenting will be down at the Cathedral by, I

think 11:00 a.m., but please check with my office late this afternoon. The last announcement will be the leadership meeting with the solicitors at 3:30 p.m. at the Speaker's Conference, 3:30 today this afternoon.

Speaker Fitial: Everyone is invited.

Chairwoman Peter: Okay. It involves everyone, Mr. Speaker.

Speaker Fitial: Further announcements? Representative Tony Camacho?

Chairman A. Camacho: Thank you, Mr. Speaker. The Committee on Ways and Means will have a meeting with the MVA representative on Thursday, at 1:30 p.m.

Speaker Fitial: No further Announcement? Floor Leader?

Floor Leader Babauta: Mr. Speaker, earlier there where members wanted to clarify the meeting this afternoon, but I told them that it will be solicits in general. Mr. Speaker, I move for the adjournment subject to the call of the Chair.

The motion was seconded and carried by voice vote.

Speaker Fitial: The House stands adjourn subject to the call of the Chair.

The House adjourned at 10:53 a.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives