

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

SECOND DAY

July 27, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Second Day, Eleventh Special Session, on Thursday, July 27, 2000, at 11:30 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), fifteen members were present. Representatives Martin B. Ada, Diego T. Benavente and Maria “Malua” T. Peter were excused.

Speaker Fitial: Representative Malua Peter, I believe she arrived last night from Palau, she is still listed as she is still in Palau. Representative Ada is still in Guam and Representative Benavente is in Tinian?

Rep. Hofschneider: Guam.

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

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, while Item No. 3 does not reflect any journals it appears to –

Speaker Fitial: Item No. 2?

Floor Leader Babauta: Item No. 2, there are journals passed out to the members.

Speaker Fitial: So do we have any journals to be adopted this morning?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the adoption of the First and Third Days, Sixth Special Session journals and First and Second Days, Eighth Special Session journals.

First Day, Sixth Special Session (5/30/00)
Third Day, Sixth Special Session (6/02/00)
First Day, Eighth Special Session (7/13/00)
Second Day, Eighth Special Session (7/14/00)

The motion to adopt the First and Third Days, Sixth Special Session and First and Second Days, Eighth Special Session journals was seconded and carried by voice vote.

Speaker Fitial: The three journals are adopted.

Floor Leader Babauta: Correction, Mr. Speaker, four.

Speaker Fitial: The four journals are adopted.

INTRODUCTION OF BILLS

None

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-67: A House Resolution to request the Mobil Oil Mariana Inc. and Shell Marianas to restrain from raising fuel prices and as much as possible make price of fuel to be in uniform to that of the Island of Guam.

Offered by: Rep. Rosiky F. Camacho and four others
Referred to: Committee on Public Utilities, Transportation and Communications

H. R. NO. 12-68: A House Resolution to request the Commonwealth Utilities Corporation to explore the feasibility of constructing water storage facilities throughout the Commonwealth to collect, manage, control and deliver rain water runoffs as another source of water supply.

Offered by: Rep. Dino M. Jones
Referred to: Committee on Public Utilities, Transportation and Communications

Speaker Fitial: Any more resolutions for introduction? If none, Standing Committee Reports.

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, while the Order of Business does not appear any Standing Committee Reports, however, with the indulgence of the members to include the following Standing Committee Report Nos.: 12-116, 12-125 and 12-126, if there is no objection, Mr. Speaker.

There was no objection raised.

Floor Leader Babauta: With that, Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-116 reference to House Bill No. 12-171, Committee Substitute 1; Standing Committee Report No. 12-125 reference to House Bill No. 12-11, Senate Draft 1; and Standing Committee Report No. 12-126 reference to Senate Bill No. 12-16, Senate Draft 3. And if I may add again, Mr. Speaker, Standing Committee Report No. 12-127 reference to House Bill No. 12-126, so move.

S. C. R. NO. 12-125: Reporting on House Bill No. 12-011, Senate Draft 1, entitled, “To stimulate the economy of the Northern Mariana Islands through the creation of free trade zones, the creation of tax incentives, and the establishment of a public corporation to administer free trade zones; and for other purposes.” *Your Committee on Commerce and Tourism recommends that H. B. No. 12-011, SD1, be passed.*

S. C. R. NO. 12-126: Reporting on Senate Bill No. 12-16, SD3, entitled, “To repeal and reenact the Election Act of the Commonwealth of the Northern Mariana Islands (1 CMC, Division 6, Chapter 1 through 5); and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends that S. B. No. 12-16, SD3, be passed.*

S. C. R. NO. 12-127: Reporting on House Bill No. 12-126, entitled, “To give eligible current or former CNMI Government employees, entitled to a salary adjustment, pursuant to Public Law 7-31, the option to elect to convert their entitlement to vesting service in the Northern Marianas Retirement Program; and for other purposes.” *Your Committee on Judiciary and Governmental Operations recommends the H. B. No. 12-126 be passed.*

The motion to adopt Standing Committee Report Nos. 12-116, 12-125, 12-126 and 12-127 was seconded and carried by voice vote.

Rep. Hofschneider: Adoption etye?

Speaker Fitial: **Ahe, sina ta deliberate gi sanpapa.**

Rep. Hofschneider: **Gi Bill?** The Standing Committee Report is appropriate.

Speaker Fitial: State your point of clarification.

Rep. Hofschneider: On Standing Committee Report No. 12-125, Free Trade Zone, on page 2, last paragraph third sentence beginning “In fact, the legislature has tacitly acknowledged...” if

you read this paragraph, “In fact the legislature has tacitly acknowledge that this provisions lapsed by reenacting them in PL 10-57. In that law, these are the same principles that were set forth as statutory binding on BPL.” This is an incorrect statement in the Committee Report, it should be stricken out. There is a court judgment Manibusan on the Tenorio versus Rayphand’s case, Manibusan has uphold that the fundamental principles in the Constitution on Public Lands the fundamental guidelines are in fact still active or still in effect.

Speaker Fitial: Do you have a copy of that ruling?

Rep. Hofschneider: I don’t, but the Legislative Bureau has a copy of that.

Speaker Fitial: Short recess.

The House recessed at 11:35 a.m.

RECESS

The House reconvened at 11:59 a.m.

Speaker Fitial: The House shall reconvene. There was a lengthy deliberation on the Committee Report 12-125.

Rep. Hofschneider: I still have the floor, Mr. Speaker.

Speaker Fitial: I believe the motion was disposed on the adoption of these Committee Reports, so if you wish to continue deliberation, Representative Hofschneider, you may on the record, proceed.

Rep. Hofschneider: Thank you, Mr. Speaker and members. The other fact aside from the constitutional question is the fact that Board of Public Lands under PL 10-57 is inclusive of a representative of each Senatorial District. Now, there is that by agreeing with the Senate amendments where in fact taming our nose on those representing the First and Second Senatorial Districts sitting on Board of Public Lands representing the very Senatorial District in question. So, we are duplicating. There is a Board of Public Lands representing each Senatorial Districts and duplicating the function of those representing the First and Second Senatorial Districts sitting on the Board of Public Lands by taking away the privilege or the authority to make decisions for their Senatorial Districts by parceling that property out for specific purpose for FTZ and giving it to the mayoral and again having the Delegation get involved. Why the three-tear authority to reach a decision on who and what purpose goes into the FTZ property? Don’t we trust the people representing the First and Second Senatorial Districts on BPL to make decisions for them that we are duplicating the function? Isn’t BPL enough? Why the multi-tear decision process?

Speaker Fitial: We have to resolve into the Committee of the Whole or go into recess in order for the counsel to respond? What is the pleasure of the House?

Floor Leader Babauta: Short recess again.

Speaker Fitial: Short recess.

The House recessed at 12:02 p.m.

RECESS

The House reconvened at 12:09 p.m.

Speaker Fitial: The House shall reconvene. Recognized, Representative Jones.

Rep. Jones: I move that we return into session.

Speaker Fitial: We are now in session.

Rep. Jones: Mr. Speaker, you are definitely correct. Let us live the interpretation of the law and the constitution to the court, but on a policy making, I highly recommend that we take action now and vote. So, I move to the previous question.

Speaker Fitial: Actually that previous question has already been answered because I disposed of that motion.

Rep. Jones: My apology.

Rep. Hofschneider: It is just a point of privilege in discussion.

Speaker Fitial: Yes, it was a point of privilege. The four Standing Committee Reports have already been adopted. Let us proceed down to the Resolution Calendar.

RESOLUTION CALENDAR

Speaker Fitial: Any resolution on the Calendar?

Floor Leader Babauta: None, Mr. Speaker.

Speaker Fitial: None?

Rep. Jones: Yes, Mr. Speaker.

Speaker Fitial: Representative Jones?

Rep. Jones: The Resolution I introduced this morning, did you place it on the Calendar? – So, we will take it on another day. It is not urgent.

Speaker Fitial: Bill Calendar.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, thank you. Mr. Speaker, with the adoption of the four Standing Committee Reports, I now move for the suspension of Rule IX, Sections 9 and 10 for the passage on First and Final Reading House Bill No. 12-171 under Standing Committee Report 12-116; House Bill No. 12-11, Senate Draft 1, under Standing Committee Report 12-125; Senate Bill No. 12-16, Senate Draft 3, under Standing Committee Report 12-126; and lastly House Bill No. 12-126, appearing under Standing Committee Report 12-127.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Passage motion.

Floor Leader Babauta: Mr. Speaker, I move for the passage on First and Final Reading House Bill No. 12-171 under Standing Committee Report No. 12-116.

H. B. NO. 12-171, CS1: A BILL FOR AN ACT TO AUTHORIZE THE NORTHERN MARIANAS HOUSING CORPORATION'S (NMHC) PAYMENT TO MARIANAS PUBLIC LAND TRUST (MPLT) FOR FUNDS LOANED PURSUANT TO P. L. 10-39, AS AMENDED, TO BE MADE FROM APPROPRIATIONS FROM THE REVENUES THAT MPLT TURNS INTO THE GENERAL FUND EACH YEAR, AND TO GRANT NMHC A TEN (10) YEAR MORATORIUM ON REPAYING THE SUM OF TEN MILLION (\$10,000,000.00) DOLLARS TO THE CNMI, AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-171, CS1, 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	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. 12-171, Committee Substitute 1, passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading House Bill No. 12-11, Senate Draft 1, under Standing Committee Report 12-125.

The motion was seconded.

H. B. NO. 12-11, SD1: A BILL FOR AN ACT TO STIMULATE THE ECONOMY OF THE NORTHERN MARIANA ISLANDS THROUGH THE CREATION OF FREE TRADE ZONES, THE CREATION OF TAX INCENTIVES, AND THE ESTABLISHMENT OF A PUBLIC CORPORATION TO ADMINISTER FREE TRADE ZONES; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider, recognized.

Rep. Hofschneider: Again, Mr. Speaker, I have settled all I want to say on the constitutional question of this legislation. Now, on policy level, I honestly disagree that P. L. 10-57 created a board with the representatives of all the Senatorial Districts of the Commonwealth and then duplicating it with the FTZ. I don't believe that we have exhausted our legal expertise here in the Legislature both the Senate and the House to come up with a proper language without duplicating the function of an existing board such if the case is a question of fair market value for each respective Senatorial District concern in terms of investors, then you should have a language in the propose legislation to deal with collateral benefits, as our counsel pointed out without duplicating again another body to make decisions for the management and disposition of public lands. What we are doing here is, piece meal it for every specific purpose of public land usage. What is next? If another entity wants to use Public Lands in a totally different aspects as prescribe in the Constitution or P. L. 10-57 then we will need a section and create another bureaucracy? Why can't we deal with the proper body? Why can't we deal with the basic question first and then move on with recommendations as to how best to attain to the needs of the First and Second Senatorial or for that matter the Third Senatorial District? To me this is much needed it is worth a shot at a minimum. The point is, this will probably be again an exercising facility. Thank you.

Speaker Fitial: Let me just say this, what are you actually pointing out is that this propose legislation is more of constitutional per view of the legislature, but I would question if it is a constitutional per view where in the Constitution would we go to amend?

Rep. Hofschneider: We don't have to amend anything.

Speaker Fitial: Because that particular section of the Constitution has already ceased.

Rep. Hofschneider: Fair market value for instance, which is the crocks of this particular legislation, making public lands accessible in terms of fees. That is the whole crocks of creating and FTZ. Nothing about the return benefit, nothing about anything, but making Public Lands accessible in terms of economics and therefore, we created FTZ authority with the prescription to exempt them from taxes and so forth and so forth.

Speaker Fitial: Okay, so follow my argument here. Where in the Constitution would we go to amend to provide for such arrangement as now proposed in this legislation?

Rep. Hofschneider: We don't have to amend the Constitution. We amend Public Law 10-57 if the argument is valid by our legal counsel?

Speaker Fitial: So that is exactly what we are trying to do here except that you disagree that we have the per view.

Rep. Hofschneider: Exactly, and we are voting that is "perhaps" a constitutional exercise in this body.

Speaker Fitial: The court is the final determination on this particular question.

Rep. Hofschneider: Yes, but remember, if some one pushes the question and it works the other way then those leases that have been executed in the last six years would be rendered in void of an issue.

Speaker Fitial: I doubt that because here, we are only trying to set up, like you said, another layer of decision making.

Rep. Hofschneider: That is on the policy question.

Floor Leader Babauta: Ready.

Speaker Fitial: Okay. Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-11, SD1, 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	excused

Rep. Antonio M. Camacho	yes
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. Deleon Guerrero	yes
Rep. Heinz S. Hofschneider	no
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	no
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-11, Senate 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 on First and Final Reading House Bill No. 12-126 appearing under Standing Committee Report No. 12-127.

The motion was seconded.

H. B. NO. 12-126: A BILL FOR AN ACT TO GIVE ELIGIBLE CURRENT OR FORMER CNMI GOVERNMENT EMPLOYEE ENTITLED TO A SALARY ADJUSTMENT PURSUANT TO PUBLIC LAW 7-31 THE OPTION TO ELECT TO CONVERT THEIR ENTITLEMENT TO VESTING SERVICE IN THE NORTHERN MARIANAS RETIREMENT PROGRAM; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-126 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	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. 12-126 passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Mr. Speaker, can we have a two, three minutes recess? I just noticed that the Bill is not attached to Standing Committee Report No. 12-126.

Speaker Fitial: Which Bill?

Floor Leader Babauta: Senate Bill No. 12-16, Senate Draft 3, “The Election Reform”.

Speaker Fitial: Short recess.

The House recessed at 12:20 p.m.

RECESS

The House reconvened at 12:32 p.m.

Speaker Fitial: The House shall reconvene. Floor Leader?

Floor Leader Babauta: Mr. Speaker, for the interest of time, some members have their copy, I now move for the passage on Senate Bill No. 12-16, Senate Draft 3.

The motion was seconded.

S. B. NO. 12-16, SD3: A BILL FOR AN ACT 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.

Rep. Jones: Mr. Speaker?

Speaker Fitial: Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. During the recess I asked the Chairman of Judiciary and Governmental Operations Committee whether there is any amendment to the Bill from the Senate? This Bill, Mr. Speaker, for the interest of the members, I have worked on this with the former Director, Mr. Diaz, bringing in all the case lost and all the problems that they have

encountered over the last possibly ten years in terms of election processing. And as a result this is the product that we are looking at with minor variations in the chapters. I hope that this Act would take care of those ambiguities during the election process. The last election as we all have experienced was very smooth, no intimidation to the voters, the public, which is the way we should conduct ourselves. There is another aspect to the legislation increasing the fees so that the Board of Election can properly run their office, they've been under funded for so many years and I hope that we can consider them a little on the electronic voting counting for instance, \$78,000.00, Mr. Speaker, that is appreciated. Those actually, Mr. Speaker, we have considered in a legislation and if there is no further a do, I salute the Senate for picking up the legislation and having it before us. Thank you.

Speaker Fitial: Representative Jones?

Rep. Jones: Thank you, Mr. Speaker. Just a minor correction on the Committee Report, on the second paragraph, first sentence, please delete the word “occur” and put “concur” and on the second sentence on the second paragraph...

Speaker Fitial: Which page are you referring to?

Rep. Jones: I am sorry, on page 1, the words “legislature finds and occur” instead of “occur” it is “concur” and then on the second sentences same paragraph delete the last number “7” because as it is “19777” delete the last “7”. Thank you.

Speaker Fitial: Okay. Roll call.

The Clerk called the roll on the motion to pass Senate Bill No. 12-16, SD3, 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	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: Senate Bill No. 12-16, Senate Draft 3, passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: If there is no objection from the members, Mr. Speaker, at the request of the Chairman on Ways and Means, I wish to move and recall two House Bills from his Committee for this body's action and consideration.

There was no objection raised.

Speaker Fitial: Will you please state the two House Bills in question?

Floor Leader Babauta: Mr. Speaker, if there is no objection, I move to recall from the Committee on Ways and Means, House Bill Nos. 12-100 and 12-202.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: While the Bills are being copied, I would like to place and move for the suspension motion. First, suspension of Rule VII, Section 9, so that we may place those Bills on today's Calendar for action.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: I now move for the suspension of Rule IX, Sections 9 and 10 for the passage on First and Final Reading House Bill No. 12-100 and House Bill No. 12-202.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: One minute recess.

Speaker Fitial: Short recess.

The House recessed at 12:40 p.m.

RECESS

The House reconvened at 12:42 p.m.

Speaker Fitial: The House shall reconvene. We are down on the Bill Calendar. We have two Bills on the Bill Calendar, House Bill No. 12-100, House Draft 1, Senate Draft 1, and House Bill No. 12-202. Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. I now move for the passage on First and Final Reading House Bill No. 12-100, House Draft 1, Senate Draft 1, and House Draft 2.

The motion was seconded.

H. B. NO. 12-100, HD1, SD1, HD2: A BILL FOR AN ACT TO REAPPROPRIATE FUND BALANCES FROM PUBLIC LAW 11-67; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-100, HD1, SD1, HD2, 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	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	no
Rep. William S. Torres	abstained
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-100, House Draft 1, Senate Draft 1, House Draft 2, passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I now move for the passage on First and Final Reading House Bill No. 12-202, Senate Draft 1, House Draft 2.

The motion was seconded.

H. B. NO. 12-202, SD1, HD2: A BILL FOR AN ACT TO RE-APPROPRIATE FUND BALANCES FROM PUBLIC LAW 9-24; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-202, SD1, HD2, 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	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. 12-202, Senate Draft 1, House Draft 2, passes the House on First and Final Reading.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, with the indulgence of the members, the two Representatives requested if they could reconsider their actions on House Bill No. 12-100? Disregard, Mr. Speaker.

MISCELLANEOUS BUSINESS

Speaker Fitial: No Miscellaneous? Vice Speaker?

Vice Speaker Mendiola: Thank you, Mr. Speaker. It has been a long time, Mr. Speaker, I have been doing a lot of family problem in my island, but when I got back to work, I realized and I feel something not really comfort for my island and as well as Tinian. I would like to have the members know that I received a message and it is sad, Mr. Speaker, it is very sad for one of our people here or one of our Representative here in the CNMI that will come up to the U. S. Congress and try his very best to block what we have worked for and I am working personally with the Representative from Tinian, to have the Rota Airport project and to have the Tinian Airport and Harbor project, and it is sad. I really feel bad and I would like to let this out from my feeling because I am getting disturbed from this information. Mr. Speaker, and members, we are here representing our island, and please if you are the one, that is trying to block the economic growth of my island of Rota and the economic growth of the island of Tinian, please step forward in front of my eyes and I want to see you and talk to you. What is your problem to come up and open your mouth to the U. S. Congress trying to block all kinds of benefits for the people of Rota and as well as the people of Tinian? My colleague, please you are representing the people of the CNMI wide, but I am here representing our people, our CNMI as a whole not only Rota itself. I want to point this out, that please, we need the economy growth. We need to open the economy for Rota and Tinian. This is the only way that we can alleviate more of our economic problem that we are facing here in the CNMI. So, please join me and help us convince our friends in the U. S. Congress to help the two small islands to open up their doors to the international economic growth. I am asking you your help and please, don't you dare to come up and talk something that you are going to block something that we worked hard and something that we deserve. The Federal Government acknowledged that Rota and Tinian deserved to be treated and open the market for international. Thank you. Please, I don't want to hear it clearly that you are the one that is spear heading this, trying to block the economic growth because the people of these two small islands will eventually know, who are you and what are you trying to do for the people of these small islands? Thank you.

Speaker Fitial: Further deliberation under Miscellaneous? Representative Pangelinan?

Rep. Pangelinan: I am quite disturbed at the remarks of my fellow colleague. Mind me, I am not the one who – but it disturbed me in a way that we are so educated and we understand the democratic process. And also, one has to understand, appreciate and respect the par behind the first amendment. Thank you.

Speaker Fitial: Representative Jones?

Rep. Jones: Mr. Speaker, the message being conveyed earlier by the Vice Speaker contains facts. It is very unfortunate because, we have been meeting with the departments, agencies and firms, associations in the U. S. to try and make possible all the economic funding, changes of laws, particularly at the Office of OIA. At the same time, we have been actively introducing economic bills to help revive our economic problem and it is very disappointing and very sad to hear that such action is going on. Like the Vice Speaker said, “we are here as a whole CNMI people”. We should be working together cooperatively for the development of the entire CNMI. I agree with him that if any of us has any problem or concern, or perhaps ideas too, please approach the

Delegation from Rota and Tinian. In this respect we make comprehend more, we may fully understand more, what is the intent of their drive. But I think the total message here from the Vice Speaker, is, it is a drive toward making our economy on the short and on the long run, vibrant and productive. Thank you, Mr. Speaker.

Rep. Apatang: Clarification.

Speaker Fitial: Representative Apatang?

Rep. Apatang: I would like to clarify on the issue, is that a rumor or a fact?

Speaker Fitial: Well, you just handed me the fact.

Rep. Apatang: Well, he is talking about that?

Speaker Fitial: He is talking about the amount of money that Representative Benavente is trying to block. He doesn't want to see this amount of money go to Rota and Tinian. Because he felt that this was part of the strategy that put me where I am now.

Rep. Hofschneider: Can we have a copy of --?

Speaker Fitial: Yes. It is the Washington Post. That is right, even before the inauguration of this Legislature, Representative Benavente came out publicly and said that he will block any financial assistance coming to Rota and Tinian because Rota and Tinian supported me for speakership.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, under Miscellaneous, it is just that I would like to update the members that Franks Bill, which is House Resolution 1621, that would remove the entire tariff in our Covenant which is the Head Note 3(a) privilege. He is getting momentum and as of this morning I understand that it only requires four more votes, four more sponsors to force the bill on the floor for voting and passage eventually. The likelihood of Franks Bill passing the House is very high and that would probably materialized early next week if the CNMI stood still and does nothing at all to prevent further co-sponsors of the Bill. The risk of that Bill is on Section 4, which is the Effective Date, it only gives the Commonwealth fifteen days after the effective date to work within exporting what have been produced already in the apparel industry primarily which all of them of course are based in Saipan, but the revenue is distributed throughout the Commonwealth. The fifteen days is a very short one, we have to realize this and this is the fact of the matter. What we have been talking before about defending the Covenant issues is beginning to shade lights and one of them is the Franks Bill. I also understand that the United States Senate primarily sponsors of Senate Bill 1052 are orchestrating maneuver in the House of Representatives to try to persuade members in the House to pass Senate Bill 1052 which is the complete Federal Takeover legislation that is now pending with the Committee on Resources and

Energy under the Chairmanship of the Honorable Don Young. So, this is just to brief the members on what is happening. I was faxed a copy this morning regarding House Resolution 1621 which is the Franks Bill and again, it is highly and lightly that it would be on the floor of Congress by next week. Thank you.

Speaker Fitial: We are all standing at the edge of I can say, “suicide cliff” right now. 212 co-sponsors of HR 1621 and that is the Tariff Bill sponsored by Bob Franks by New Jersey. It only needs four more to by pass the Committee and they can move it right into the floor of the House and that would be more devastating than the recent concurred crash. Because there will be no economy here, believe me. That would virtually wipe out the garment industry, which according to Mike Sablan, I met with him this morning, 20% of our revenues is user fee alone. User fee alone represents 20% of our total revenues. So, a lot of our people don’t know the devastating effect of wiping out this particular sector of our economy. So, I for one hope and pray that something will happen soon to stable this devastating super typhoon that is heading our way and it is going to cost not only land slight but mud slight worse than papaya in smoky mountains. Further Miscellaneous? Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move to 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 1:00 p.m. subject to the call of the Chair.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives