

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

THIRD DAY

June 02, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its First Day, Sixth Special Session, on Friday, June 02, 2000, at 2:35 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), fifteen members were present and Representatives Antonio M. Camacho, Alejo M. Mendiola, Jr., and William S. Torres were excused.

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

ADOPTION OF JOURNALS

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the adoption of the First Day, Fourth Special Session journal.

The motion was seconded.

1st Day, Fourth Special Session (5/11/00)

There was no discussion raised. The motion to adopt the First Day, Fourth Special Session journal was carried by voice vote.

Speaker Fitial: First Day, Fourth Special Session journal is hereby adopted.

INTRODUCTION OF BILLS

H. B. NO. 12-201: A Bill for an Act to reduce the security that a bank must pledge in assets for the protection of CNMI Government funds deposited in such bank from 110 percent to 100 percent; and for other purposes.

Offered by: Rep. Benigno R. Fitial

Referred to: Committee on Ways and Means.

INTRODUCTION OF RESOLUTIONS

H. J. R. NO. 12-10: A House Joint Resolution approving the reprogramming of \$8,000.00 under PL 9-1 to the Tanapag Elementary School Water Tank Project; and for other purposes.

Offered by: Rep. Oscar M. Babauta

Speaker Fitial: Any more resolutions? None – Reports of Standing Committees.

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, before I make a motion, I would to inform the members that there are two additional Standing Committee Reports to include under Item 12, which is 12-117

and 12-118. And also, Mr. Speaker, I would like to remind the Chair that we are still discussing – when we left of under Standing Committee Report Nos. 12-109, 12-112, 12-113 and 12-114.

Speaker Fitial: That is correct. There was a standing adoption motion for all the Standing Committee Reports 12-109 all the way down to 12-116. So, we will now continue deliberations on the adoption motion.

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

Speaker Fitial: State your point of clarification.

Floor Leader Babauta: If I am in order, Mr. Speaker, I move to include Standing Committee Report Nos. 12-115, 12-116, 12-117 and 12-118.

Speaker Fitial: If no objection?

There was no objection raised.

Speaker Fitial: So ordered. Continue deliberation, Representative Hofschneider.

Rep. Hofschneider: Thank you, Mr. Speaker. To try and offer a resolution for the passage of House Bill No. 12-109, Mr. Speaker and members, with the pending 60 megawatt or 80 megawatt proposal for CUC. I have thought over the relevance of creating a commission on telecommunication and I remembered that in the Eighth or the Ninth Legislature, the federal counterpart in management called, OMIP, met with the Legislators that time and suggested that we ought to take a look into creating a rates commission instead of just specifically telecommunication commission. The reason why I am raising this up at this stage is, there is a – let us say that CUC pursues and constructs a 60 megawatt or 80 megawatt power plant and privatized, then it is now relevant to really look at Public Law 4-47, which is the creation of CUC which gave the authority to regulate power, water, sewer, telephone, refuge, so forth and so forth. If you really think about it, Mr. Speaker and members, the current Board has a conflict, they

control the rates at the same time they are the producers. They are retailing or wholesaling power and setting the rates at the same time. Perhaps the Committee can consider taking SCR 12-109 or 12-006, and expanding the parameters of the commission not necessarily only for telecommunication, but also to include power rates. In this way, we take away the authority of CUC from setting rates. They are in the business of producing now, because now the advent of privatizing power would put them in direct conflict in looking at the rates or setting rates themselves, at the same time owning the utility for the producing side, that speaks for water and sewer. Maybe it is time to really look at the rates commission in general and look at it because even under Public Law 4-47 even transportation is included under the Act to regulate such fees imposed on transportations. My suggestion is to do a single commission that will take care of utilities as well as telecommunication and maybe research or look into what other set rate or rate setting authority that the current P.L. 4-47 gives CUC and take it away from them so that they become an entity in producing power or selling those consumable goods or services that conflicts with the intention of trying to set rates also for the consumers also for the same time. That is the biggest monopoly that we can put our finger on at the moment. There is no direct protection under the current structure of P.L. 4-47 for the consumer side even on the business sector. The business are paying for a lot of the inefficiencies of public utilities if you really think about the rates on commercial electricity, which is sixteen cents per kilowatt hour versus eleven cents for residential. So, there is a cross subsidization right there and they have never really shown factually whether that sixteen cents can be justify. But nevertheless P.L. 4-47 gives them the authority to set whatever rates. So, my suggestion to members and maybe the Chairman, Mr. Speaker, is to take back the Bill and honestly look at including other consumable goods or services that are currently proposing as a conflict under CUC's management. Telecommunication is just one of those issues that they have done poorly over the years in regulating. Transportation is another and even the question of self-imposing a rate structure that does not necessarily take into consideration concerns by private and business concerns or residential rather. So, Mr. Speaker, that is my option and suggestion if that is a workable option other than to create commission for telecommunication and then sometime down the road somebody finally sees the need to create a rate commission than we have a duplication of commissions that can be merge into this one particular Bill. Thank you.

Speaker Fitial: Further deliberation, Representative Apatang.

Rep. Apatang: Thank you, Mr. Speaker. I wholeheartedly agree with Representative Hofschneider. I was the Chairman for PUTC Committee back in the Eleventh Congress and we have been trying to put together the CUC bill back then and initially we started with a bill introduced by Representative Faisao in the Eleventh Congress and somehow we kind of stay away from that bill because he reintroduce another bill in regards to CUC. So actually we were looking into that bill, which will take the responsibility away from CUC under Public Law 4-47. If that particular bill had pass that would have accomplish that particular agenda. I wholeheartedly agree with Representative Hofschneider's recommendation that we need to go back and maybe we can work with the committee and see if we can put up a bill that will regulate all particulars base on P.L. 4-47. Thank you, Mr. Speaker.

Speaker Fitial: Anymore? Representative Benavente?

Rep. Benavente: Mr. Speaker, we are discussing all of the Standing Committee Reports at this time?

Speaker Fitial: Right.

Rep. Benavente: My question would be on Standing Committee Report No. 12-115. I would like to know if the Committee held a public hearing on House Bill No. 12-173 or even solicited comments from either Public Lands or the Administration or MVA for that matter?

Speaker Fitial: Representative Deleon Guerrero?

Floor Leader Babauta: Mr. Speaker, if I may?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Thank you. Mr. Speaker, since I am the author of the Bill and I guess the Standing Committee Report No. 12-115, Mr. Speaker, this is a request that was requested by several members of the MVA Board of Directors as a result of the recent case that the Superior Court have rendered. Previously, on the enactment of Public Law No. 11-15 to which I was the Chair on the Commerce and Tourism Committee that conducted a public hearing on that pertinent legislation. It is a Senate Bill that the House was instrumental in the Eleventh Legislature in more expounding on the languages. At that time the Committee omitted that one sentence that allows MVA to continue regulating tourist side vendors such as tourist snack-mobiles, people that are selling local fruits and coconuts by the tourist sides in the area. So, a bill was introduced, 12-173 was introduced to correct a technical legal deficiency within that same section of P.L. 11-15 and add the previous language that used to be in the previous chapter.

Rep. Benavente: Mr. Speaker, again the question is, did solicit comments from either Public Lands or MVA or did we hold hearing on the Bill? We didn't?

Floor Leader Babauta: No, we didn't. But the comment came from the MVA Board of Directors.

Rep. Benavente: There is an official --

Speaker Fitial: Let me just share what Representative Benavente is looking for is, any comments from the agencies that are involve. So, yes, we did had a meeting with CRM, MVA, Public Lands, Natural Resources and what happen was this, during the drafting of the Bill that eventually became Public Law 11-15, it was found that the duties and responsibilities of MVA some of them were stricken-out, in other words, they were inadvertently omitted from the drafting. So, as a result there was a court ruling that came out because Public Law 11-15 did not include those certain duties and responsibilities that is why the court had no choice but to issue such ruling rendering that MVA was not legally allow or permitted to regulate the licensing of those vendors on the beach.

Rep. Benavente: Mr. Speaker, I am fully aware of that and I agree that this legislation is timely because there's a situation out there right now where there are commercial activities that are probably considered at limbo because of the reorganization.

Speaker Fitial: Precisely.

Rep. Benavente: My problem is that, I understand subsequently after the meeting and after the legislation may even be introduced that Public Land and the other agencies met. There is still a strong sentiment among the Public Land Board that funds received from these leases should go to Public Land. I would think that if Public Land were to object to this type of legislation that we might go beyond the constitutional authority here in that Public Land funds should go to the Marianas Public or the Public Land Division under Natural Resources. I just wonder if there is concurrence by Public Land Board to allow MVA to be given the authority to manage those lands that they were referring to. Again, I am in full support of a legislation that is necessary. I just understand that there is possible conflict between Public Land Board at this time and that is why I ask if we have any communication with Public Land.

Speaker Fitial: During that meeting only the Director was present but there were no Board members of Public Land but Bertha was there. They all realize that everything down there is in limbo so they are the one pushing for this bill.

Rep. Benavente: If I may just make one more comment, I understand that – as a matter of fact, it came to the point where the statement by some of the Board members of Public Land that they would allow MVA to continue to manage those activities in those public lands but that all funds should go to Public Land, which I believe it is not practical because if those funds are necessary for the policing and management of those lands. So, I just wonder if we got the concurrence.

Speaker Fitial: So, I think it is advisable that before we make any final decision or action on this particular bill that such concurrence be secured from Public Land. Go ahead, Representative Apatang?

Rep. Apatang: Thank you, Mr. Speaker. Just for clarification purposes since we are giving the MVA the authority to charge fees here, I am just wondering if there is any conflict with CRM on this since CRM is also involve in licensing of Jet Ski and all that, and they are operating under some tourist sides, is there a clearance from CRM in regards to these fees?

Speaker Fitial: You see, prior to the changing the name MVB to MVA, MVA was authorized by law to regulate activities on the beach including licensing of vendors. Only when the name was changed in that process the drafting of the legislation some duties and responsibilities of MVA were omitted inadvertently and the Board came and they showed us that that is what happened. So, there was no objection to answer your question directly from Peter Barlas here, he was present at the meeting and they all realized that that was what happened that the drafter did not include all the duties and responsibilities of the MVA when the name “MVB” was changed to “MVA” so that is Public Law 11-15. Representative Hofschneider?

Rep. Hofschneider: I have a question in the procedure in which we are trying to grant these authorities under Section 2(a). I still hold, Mr. Speaker, that Article XI of the Constitution the fundamental policy of Public Lands the former MPLC is still alive. There have been recent cases where *Manibusan versus Tenorio* have in fact indicated that the fundamental polices of Article XI is still alive. The question here is, without the designation by DPL now, in my view, Mr. Speaker, we cannot give the authority to any agency to regulate public land that the Constitution does not permit under Article XI of the Constitution because you need the concurrence by designation the Board action or otherwise, to grant any agency of the Commonwealth to utilize a public land. The virtue of giving the authority and in fact the language itself to control commercialize, commercial activity is in fact unconstitutional. You need the concurrence of the Public Lands in order for any activity otherwise it will be a squatter.

Speaker Fitial: The fundamental policies as you said, “are still alive”, but when MPLC expires the spirit is still alive, but there is no longer body. And that is why that authority was given to the Legislature to create a body that would take over MPLC’s former body.

Rep. Hofschneider: I disagree. If you read the Constitution it says, “the function shall be transferred over to the Executive Branch. The function, the fundamental policy is different.

Speaker Fitial: The function will be transfer to the Executive Branch, but we the Legislature has yet to create the body in which those functions will be transferred.

Rep. Hofschneider: Public Law 10-57 attempted to do that.

Speaker Fitial: Attempted.

Rep. Hofschneider: Attempted to do that and it is not being tested in court. And the fact that P.L. 10-57 hand picks certain fundamental policy and tries to assert that the fundamental policy on one hand is dead for convenience of that section. While on the other hand, P.L. 10-57 assumes that the fundamental policy is alive. P.L. 10-57 is in question. The fact, Mr. Speaker, is that we are trying to over step the authority of Public Land under Article XI, I am pretty sure that this language without the proper designation by the Division of Public Lands, any agency may in fact just go ahead and commercialize by legislative action. So, that means that any land leases that the Department of Lands and Natural Resources wishes to lease for any use, commercial or otherwise. By giving similar language you don’t need the blessing of the Division of Public Lands, you don’t need the division or the board.

Speaker Fitial: No, that is wrong.

Rep. Hofschneider: Well, Mr. Speaker, if you really look at the wording here, who is granting the authority? The legislative. Where in the Constitution under Article XI did it tries to purport that this language is consistent with Article XI?

Speaker Fitial: Even Public Law 11-15 does not give MVA the authority that it is vested only in Public Lands.

Rep. Hofschneider: No.

Speaker Fitial: No. We are not, the Legislature under this proposal is not attempting to give away or assign the authority of Public Lands.

Rep. Hofschneider: Correct, Mr. Speaker, but let us pause for a moment and read Article XI, “all public lands” not a “hand full of public lands”, “All public lands shall be under the supervision and management of MPLC or its predecessor, right?”

Speaker Fitial: Right.

Rep. Hofschneider: Nothing in here that says, “The Legislature may in fact authorize any activity without the concurrence of MPLC or DPL now. May we take a recess?”

Speaker Fitial: Let us take a short recess.

The House recessed at 3:00 p.m.

RECESS

The House reconvened at 3:20 p.m.

Speaker Fitial: The House shall reconvene. We are still deliberating on the adoption motion.

Rep. Benavente: Ready.

Speaker Fitial: Ready? Representative Ada?

Rep. Ada: Okay, that is 115, right? Are we back in session?

Speaker Fitial: We are still discussing the motion to adopt the Standing Committee Reports.

Rep. Ada: I would like to offer an oral Floor Amendment.

Speaker Fitiaf: On the Committee Report?

Rep. Ada: Okay, later.

Speaker Fitiaf: Representative Hofschneider?

Rep. Hofschneider: Mr. Speaker, I have a little bit of problem on the Committee Report on the last page, last paragraph before conclusion, “The low-income family cannot afford the bank-financing program and with H.B. No. 12-171 when approved, the legislature will greatly do them and their families service.” Mr. Speaker, for the benefit of the members, the original bill when we drafted split it into two income categories, those with moderate and high and those identified as having low-income. The usage of the word “low-income” here under House Bill No. 12-171, is far from what is being conducted or practiced with the \$10 Million from MPLT. The first category of the low-income families, we intended to give or access MPLT at 3% not 6%. The moderate and high income would be at 6%, the original Public Law 10-29 states those differences. Mr. Speaker, I know what MPLT is trying to do here – Mr. Speaker, if you try and access the banking institution in Saipan, even under a sponsored loan program like FANIME and FREDIMACK, those programs will not be able to give the opportunity with families less than \$16,000 or \$19,000 income per year in the homesteads particularly. And that is the reason why we decided that P.L. 10-29 and P.L. 10-49 would attempt to distribute the Ten Million Dollar equally, 5 Million Dollars for low-income given at 3% by MPLT and the other 5 Million Dollars at 6% so that the prime plus interest from MPLT would still be affordable. Effectively the 6% from MPLT is translated to 9.5% interest on any loan, that is outside the reach of those families that are not receiving or making \$20,000 and above. The 1995 decennial census showed that 70% of workers with income in the Commonwealth fall below \$17,999 per annum. And if you really think about what is the purpose of MPLT is to benefit the Northern Marianas decent. All we are saying is that the \$5 Million that we are trying to set aside would be reserve at a low interest rate from MPLT to NMHC so that they add on maybe 1% or 1½% for their administrative cost, but MPLT refuses to give this privilege to the under privilege. I want to see that the Bill, Mr.

Speaker, reflects again the intention of the original 10 Million Dollars. I wanted to go to court. They try to take it to court but they agree to disagree. Mr. Speaker and members, think about this, they've distributed \$6.83 Million out of the \$10 Million all that is remaining is about little over Three Million Dollars. How can you provide an opportunity for those families and individuals that have homesteads and being told that if you don't build a house we are going to take the land back from you. Try getting a car this day, a minimum of about \$350 monthly payment, out of Sixteen Thousand, Seventeen Thousand, Nineteen Thousand Dollars income, if you have two kids, good luck. All I am saying, Mr. Speaker, this is the kind of bill that the Legislature should be proud going to court and saying, "we want to attest this".

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

Speaker Fitial: State your point of clarification.

Rep. Benavente: On his question, the Bill's intent is to just provide a guarantee for the repayments so I am not sure where the percentage –

Rep. Hofschneider: It is in the original Bill. So, now there is a repealer if you read the Bill on page 2, Section 6, payments and appropriations – Right now, there is \$900,000 from MPLT income going directly to the general fund and further distributed to all other programs as appropriated by the Legislature. What they are saying here is to take that commitment going into the general fund and use it to retire the debt, the \$10 Million, in essence zero going into the general fund. So, instead of using the revolving portfolio of the debts service for those loans taken out to service the debt at MPLT, they are saying, "hand on, we are going to take \$900,000 that is going to the general fund and use that as the debt service."

Speaker Fitial: They want us to appropriate. They want the Legislature to appropriate.

Rep. Hofschneider: They want us to appropriate annually.

Rep. Benavente: What is wrong with that?

Rep. Hofschneider: Tremendously wrong. Because right now, there is \$900,000 going into the general fund on top of the \$10 Million that has no commitment from the general fund. Now, we are taking \$900,000 that is going to the general fund and paying for this \$10 Million without getting that privilege under the original legislation to have the under privilege families access MPLT funds. Why can't we take Five Million Dollars and put it in a local bank and get a 2-1 leverage and get \$10 Million for the under privilege and still earn that income in a local bank? I haven't seen that done, Mr. Speaker, here in Saipan, but it is our money. You know, I support NMHC but it is kind of gecko and hide now for me, Mr. Speaker, because I really fought for the \$10 Million at MPLT, but to take away the \$3.8 Million for the under privilege. So, where else? *Pot i moderate income to high-income hao, guaha iyomu ability para un access i MPLT funds, pago sa Sixteen Thousands Dollars hoa-ha taya iyomu privilege?* I don't think that is fair, Mr. Speaker.

Speaker Fitial: You've got a very good point.

Rep. Hofschneider: I'd rather see that you know, if they don't want to do that and protect their fiduciary, okay, cash in the stocks and take Five Million Dollars or Ten Million Dollars and put in local banks and let the under privilege access those funds.

Speaker Fitial: Who determines the income criteria?

Rep. Hofschneider: NMHC.

Speaker Fitial: So, why can't we just have them change?

Rep. Hofschneider: We have it in law. But MPLT refuses to issue out in conformance with the law because they don't want to reduce the prime rate at least than 6% because they say, it is fiduciary question, they are going below their fiduciary to invest in the highest yield. Baloney, the Constitution doesn't preclude investing in highest yield. What is the highest yield *yangen una gai guma un poble?* What fiduciary negligence *etyo?*

Speaker Fitial: *Estague i yoniha* fiduciary, they deprive.

Rep. Hofschneider: It is a class action waiting.

Speaker Fitial: I see your point it is very good.

Rep. Hofschneider: May I suggest, Mr. Speaker that we hold this and look at the original language and insert it again? I will continue to insist that this is the kind of legislation that we should be proud in going to court and insisting that under privilege are given the equal access into MPLT. It is a shame if we are just going to take the \$900,000.00 let us give them the \$900,000.00, but you bring Five Million Dollars or Ten Million Dollars of MPLT money and put it in local banks so that the under privilege can access those fund and still not use a single capital fund. We are just using Ten Million Dollars to leverage it, Mr. Speaker, is what I am saying. The loan itself will be debt service repayment ability. They are unwilling to go down below 6%. Prime rate goes from MPLT is 6%, when you as an applicant take out a loan than they add on certain percentage for administrative cost.

Speaker Fitial: No, that is prime plus.

Rep. Peter: When it gets to the applicant it gets up to 9%.

Speaker Fitial: Nine percent?

Rep. Hofschneider: Yes. Nine percent, 9.3% or 9.5%.

Speaker Fitial: So, what is the desire of the body?

Rep. Apatang: Refer it back to the Committee.

Rep. Hofschneider: Can we just put it on the Calendar and try and work with the counsel, Mr. Speaker?

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: If I may recommend to the body and just leave whatever needs on the Calendar to be address further so that information can be obtain through these agencies.

Speaker Fitial: The problem is convincing MPLT to support our intent.

Rep. Hofschneider: Who cares about convincing them? We need to convince the Governor to sign it and let MPLT if they want to take us to court.

Rep. Peter: Public Law 10-29 is there, but MPLT will not comply.

Speaker Fitial: That is right. *Etyogueha i P.L. 10-29 na giage-ha.*

Rep. Peter: *Ti manmalago.*

Rep. Hofschneider: *Bula man'namasi gi hiyung.* What we need to do is just straw down the memory lane in the homesteads and see how many under privilege homesteaders and have been given notice to have their homestead revoke for inability to develop.

Speaker Fitial: So, let us dispose of the adoption motion first so that we can proceed on. Any further deliberation on the adoption motion? Representative Apatang?

Rep. Apatang: Thank you, Mr. Speaker. I would like to move that we refer Standing Committee Report No. 12-109 to the committee for further review base on concerns from some members. Thank you.

Rep. Attao: Second.

Rep. Rosiky Camacho: Objection.

Rep. Hofschneider: Objection, Mr. Speaker.

Speaker Fitial: We don't need to refer the Standing Committee Report.

Rep. Attao: Just put it on the Calendar.

Speaker Fitial: We can just either adopt or reject, that is all.

Rep. Hofschneider: Let us adopt it and let the Bill itself.

Speaker Fitial: The key here is the Bill.

Rep. Attao: Mr. Speaker, may I make a motion to defer action on this and place it the Calendar for further action?

Speaker Fitial: On the Committee Report?

Rep. Attao: On both the Report and the Bill.

Speaker Fitial: So is that a motion?

Rep. Attao: That is a motion.

Rep. Hofschneider: Second.

Rep. Rosiky Camacho: Mr. Speaker, I think the citing of the Committee Report is not in order. I think the citing of the Committee Report is 12-16, but what the mover had cited is 12-109. So, the mover is inconsistent with what have been discussed in –

Rep. Hofschneider: Which mover?

Rep. Rosiky Camacho: Representative Apatang.

Speaker Fitial: Okay. Let us vote on the motion offered by Representative Attao that is to defer action on which Standing Committee Report?

Rep. Attao: 12-116.

Speaker Fitial: Standing Committee Report No. 12-116.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Representative Apatang?

Rep. Apatang: I did move to refer Standing Committee Report No. 12-109.

Speaker Fitial: Any second?

Rep. Rosiky Camacho: Objection, Mr. Speaker.

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

Speaker Fitial: State your clarification.

Floor Leader Babauta: Mr. Speaker, unless or otherwise, the members wishes to suspend Rule VI, primarily Section 1 – your recommendation earlier was best to guide us to parliamentary

process in the Chamber and we dispose of either reject or adopt the Committee Report in that particular line item. Since we are in Item No. 12, might as well decide what Committee Report needs to be rejected and what Committee Report needs to be adopted?

Speaker Fitial: Anyway, so what is the wish of the House?

Rep. Hofschneider: The ayes have it, Mr. Speaker, on S.C.R. No. 12-116.

S. C. R. NO. 12-116: Reporting on House Bill No. 12-171, entitled, “To authorize the Northern Marianas Housing Corporation’s (NMHC) payment to Marianas Public Land Trust (MPLT) for funds loaned pursuant to P. L. No. 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.” *Your Committee on Ways and Means recommends that the House pass the bill.* **[DEFERRED]**

Speaker Fitial: That is already deferred. We are now – so let us go down on each and every one these reports so that we will not have any confusion. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I wish to withdraw my original motion and offer a subsidiary motion and that is to adopt Standing Committee Report No. 12-109, House Bill No. 12-106. So move, Mr. Speaker.

The motion was seconded.

S. C. R. NO. 12-109: Reporting on House Bill No. 12-006, entitled, “To create the Commonwealth Telecommunications Commission by amending 4 CMC, Div. 8, to add a new Chapter 2, Section 8211, et seq., the ‘Commonwealth Telecommunications Act of 2000’; and for other purposes.” Your Committee on Public Utilities, Transportation, and Communications recommends that the House pass the bill in the form of H.B. 12-006, CS1.

Speaker Fitial: Discussion?

Rep. Attao: Mr. Speaker?

Speaker Fitial: Representative Attao?

Rep. Attao: During last session, I raised a concern relative to the title of the Bill however the Committee Report is not consistent with the title of the Bill. During that session, Mr. Speaker, it was called to recess so that the legal counsel can give us the legal opinion relative to that Committee Report. So, can we can a short recess and ask the legal counsel to enlighten us whether or not the Committee Report is jive with the Bill?

Speaker Fitial: Short recess.

The House recessed at 3:40 p.m.

RECESS

The House reconvened at 3:41 p.m.

Speaker Fitial: The House shall reconvene. Before we went on recess, there was a question raised by Representative Attao on the citation on the title of the Bill between the original and the substitute so are you satisfied with the explanation rendered by the legal counsel?

Rep. Attao: I am satisfied. Thank you, legal counsel.

Several members voiced, “ready”.

Speaker Fitial: One more?

Rep. Hofschneider: Out of curiosity, what is the relevance of this communication passed out on FCC to the Committee Report?

Speaker Fitial: No. That is for information that former Representative Faisao brought to me and I, from the kindness of my heart, I wanted for every member to read what I have just read.

Rep. Hofschneider: Is it for support?

Speaker Fitial: No, for food of the mind. Ready?

The motion to adopt Standing Committee Report No. 12-109 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-109 is adopted. Next, Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-112.

The motion was seconded.

S. C. R. NO. 12-112: Reporting on House Bill No. 12-165, entitled, “To designate Bird Island and Forbidden Island as sanctuaries for the conservation of wildlife and marine life; and for other purposes.” Your Committee on Natural Resources recommends that the House pass the bill.

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-112 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-112 is adopted. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-113.

The motion was seconded.

S. C. R. NO. 12-113: Reporting on House Bill No. 12-176, entitled, “To amend 1 CMC 3711 by adding a new subsection (c), and for other purposes.” Your Committee on Judiciary and Governmental Operations recommends that the House pass the bill.

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-113 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-113 is adopted. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-114.

The motion was seconded.

S. C. R. NO. 12-114: Reporting on House Bill No. 12-190, entitled, “To add a new Subsection 3311(d) to 4 CMC Chapter 3 Notaries Public; and for other purposes.” Your Committee on Judiciary and Governmental Operations recommends that the House pass the bill.

The motion to adopt Standing Committee Report No. 12-114 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-114 is adopted. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-115.

The motion was seconded.

S. C. R. NO. 12-115: Reporting on House Bill No. 12-173, entitled, “To amend Public Law 11-15 to give the Marianas Visitors Authority the power to regulate commercial activities on or near tourist sites; and for other purposes.” Your Committee on Commerce and Tourism recommends that the House pass the bill.

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-115 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-115 is adopted. Standing Committee Report No. 12-116 has been deferred and also referred to Ways and Means Committee. Next is Standing Committee Report No. 12-117, Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-117.

The motion was seconded.

S. C. R. NO. 12-117: Reporting on House Bill No. 12-63, entitled, “To amend Title 8, article 3 of the Commonwealth Code by adding a new section 1335, and to repeal and reenact 8 CMC 1822(b) and 1829(a); and for other purposes.” *Your Committee on Judicial and Governmental Operations recommends that the House pass the bill.*

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-117 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-117 is adopted. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the adoption of the final Standing Committee Report No. 12-118.

The motion was seconded.

S. C. R. NO. 12-118: Reporting on House Joint Resolution No. 12-9, “To instruct the House Legal Counsel to investigate costs incurred by the Commonwealth as a result of PCB contamination in the Village of Tanapag, and working in close consultation with the Attorney General take all necessary measures to recover these costs from the appropriate party(ies).” *Your Committee on Judicial and Governmental Operations recommends that the House adopt the resolution.*

There was no discussion raised. The motion to adopt Standing Committee Report No. 12-118 was carried by voice vote.

Speaker Fitial: Standing Committee Report No. 12-118 is adopted.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, if there is no objection, I would like to request the members if we can include House Joint Resolution No. 12-10 on today’s Calendar?

Rep. Rosiky Camacho: No objection.

Speaker Fitial: Okay. No objection House Joint Resolution No. 12-10 is on today's Calendar. Suspension motion, Floor Leader.

Floor Leader Babauta: I move to suspend Rule VII, Section 9 for the adoption of House Joint Resolution No. 12-10.

The motion was seconded and carried by voice vote.

Speaker Fitial: House Joint Resolution No. 12-10 is on today's Calendar without the requirement of a Committee Report.

Rep. Benavente: Privilege.

Speaker Fitial: State your point of privilege.

Rep. Benavente: Mr. Speaker, with the adoption of Standing Committee Report No. 12-118, House Joint Resolution No. 12-9, should also appear on the Resolution Calendar?

Floor Leader Babauta: Yes. So noted, Mr. Speaker, if the members can also include House Joint Resolution No. 12-9 since it has a Committee Report already and it is adopted.

Rep. Benavente: Thank you.

Floor Leader Babauta: Thank you. Adoption motion, Mr. Speaker.

Speaker Fitial: Adoption motion.

Floor Leader Babauta: So move, Mr. Speaker, for the adoption of House Joint Resolution Nos. 12-9 and 12-10.

The motion was seconded.

H. J. R. NO. 12-9: TO INSTRUCT THE HOUSE LEGAL COUNSEL TO INVESTIGATE COSTS INCURRED BY THE COMMONWEALTH AS A RESULT OF PCB CONTAMINATION IN THE VILLAGE OF TANAPAG, AND WORKING IN CLOSE CONSULTATION WITH THE ATTORNEY GENERAL TAKE ALL NECESSARY MEASURES TO RECOVER THESE COSTS FROM THE APPROPRIATE PARTY(IES).

H. J. R. NO. 12-10: A HOUSE JOINT RESOLUTION APPROVING THE REPROGRAMMING OF \$8,000.00 UNDER PL 9-1 TO THE TANAPAG ELEMENTARY SCHOOL WATER TANK PROJECT; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Attao recognized.

Rep. Attao: On House Joint Resolution No. 12-10, Mr. Speaker, this is pertaining to Public Law 9-1, the balance of \$8,000.00. Mr. Speaker, I think the \$8,000.00 was already appropriated under Public Law 11-80 and the appropriation is for the purpose of the San Roque Basketball court and outdoor stage for Precinct IV so the money is not available.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Well, what happen if there is no money? Floor Leader?

Floor Leader Babauta: Mr. Speaker, unless Public Law 11-80 is still in the Law Revision Commission for codification, I just verified this with the Capital Improvement Projects Program coordinator. She has assumed that nothing has come about with respect to reprogramming of the \$8,000.00 and she has advised that this amount can be utilize for the intended has shown on House Joint Resolution 12-10. She has recommended that a Joint Resolution be pass in order for the money to be effectuated within that Election District project.

Rep. Attao: Mr. Speaker?

Speaker Fitial: Go ahead.

Rep. Attao: Public Law 11-80 reference to House Bill No. 11-379, this is to reappropriate fund balance from Public Law 9-1 and for other purposes. The appropriation was for the Tanapag Elementary School and reappropriated for San Roque Basketball court and outdoor stage for Precinct IV, this is under Public Law 11-80. So, the money is available under Public Law 11-80, probably the report that was given to our good Floor Leader is not updated. I can only support the resolution if we are to amend or reprogram Public Law 11-80 to use the \$8,000.00 for Tanapag Elementary School water tank project. If I can offer an amendment, I will support the resolution otherwise the money is not available and therefore, I can't support the resolution.

Rep. Jones: If I may, Mr. Speaker?

Speaker Fitial: Recognized.

Rep. Jones: The problem here, Mr. Speaker, the design for the basketball court has been made and I think the project has been bid out and that is what I fear.

Rep. Attao: And it is authorize by my good Representative Jones, the Bill.

Speaker Fitial: Well, we cannot tap one source for two different projects. They used to do that in selling of lands, they have many transactions.

Rep. Attao: Seriously, Mr. Speaker, if the author –

Speaker Fitial: I think that is a problem. You said, it is already bid out to A & E design.

Rep. Attao: So, why don't we defer action on House Joint Resolution 12-10 and we try to look for \$8,000.00 and help Tanapag Elementary School.

Rep. Benavente: So move.

Floor Leader Babauta: No objection, Mr. Speaker.

Rep. Attao: Second.

The motion to defer action on House Joint Resolution No. 12-10 was carried by voice vote.

Speaker Fitial: The motion carries.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, with this in mind –

Speaker Fitial: I believe we still have House Joint Resolution No. 12-9.

Floor Leader Babauta: Yes. But before we move on to House Joint Resolution No. 12-9, can I officially request, Mr. Speaker, that the distinguished Representatives from Precinct IV, Representatives Jones and Pangelinan, since this project is of vital importance which will start latter part of next week, they have already located \$26,000.00 and they are in need of \$20,000.00 to match the program for completion and this is a vital project that the Committee, which is form out of CUC in conjunction with NMC. I would like to request the two distinguished Representatives from Precinct IV to speedily seek for solution with the request on this project, Mr. Speaker. Thank you.

Speaker Fitial: If I may ask, this school water tanks, is this part of the same effort that Alex Falig is pursuing?

Floor Leader Babauta: Yes.

Speaker Fitial: I believe he is also asking the private sector to pay for the construction of the seven water tanks, is this part of it?

Floor Leader Babauta: Yes. As I understand, they are in need of thirteen catchments with its accessories. Six has been identified with one being identified by Representative Tom Pangelinan, and the remainder are in need of additional funding to match the \$26,000.00 for a total of \$46,000 and some cents, to consummate the entire project of that particular program.

Speaker Fitial: The \$8,00.00 that we are trying to reprogram here – unfortunately –

Rep. Jones: It is committed.

Speaker Fitial: It is already committed?

Rep. Jones: Yes. However, Mr. Speaker, if I may?

Speaker Fitial: Go ahead.

Rep. Jones: Together with Representative Pangelinan jointly with Precinct III, we would like to venture into exploring the possibility of borrowing from their TCD, their reserves.

Speaker Fitial: Did I hear you say Precinct III?

Rep. Jones: Yes. They have loaded of TCD interests.

Floor Leader Babauta: Mr. Speaker, I also take the liberty of pursuing the balance that is needed with Planning and Budget and as well and Mrs. Vicky Villagomez of the CIP Office and she was here and advises me before lunch this morning that the \$8,000.00 is still available and there was never an indication whether or not other as Representative Attao mentioned earlier of Public Law 11-80. That is the reason why she suggested that the Legislature passes a House Joint Resolution

to use that as call for in the provision that is implanted in Public Law 9-1 that requires a House Joint Resolution in order for the Governor to reprogram. But I was assured that the particular \$8,000.00 is available from her office.

Speaker Fitial: Well, as Representative Attao pointed out, if that amount is still available than we should try to amend Public Law 11-80 to free it from the commitment that was memorialize from House Bill No. 11-379. Anyway, I think the two Representatives from Precinct IV will endeavor to seek the necessary funding requirements.

Rep. Rosiky Camacho: Ready.

Speaker Fitial: Okay, we still have a motion to adopt House Joint Resolution No. 12-9.

Floor Leader Babauta: Ready, Mr. Speaker.

Speaker Fitial: Ready?

The motion to adopt House Joint Resolution No. 12-9 was carried by voice vote.

Speaker Fitial: House Joint Resolution No. 12-9 is adopted.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I understand from the Chair that as we have discussed earlier with respect to the dilemma of public land issues, I understand that there is progress being made to certified to the CNMI Supreme Court the issues with respect to the functions of then MPLC and as a result of that progress that our counsel will be working on, we have on the Bill Calendar, Mr. Speaker, House Bill No. 12-11 that has again the same defective constitutional

provisions that for the very reason that the Governor has to veto the first version of the Free Trade Zone. So, if I am in order, Mr. Speaker, while we await the legal opinion or otherwise the interpretation of our Supreme Court, I move to refer House Bill No. 12-11, Senate Draft 1, to the appropriate committee until such time that the Supreme Court render its legal interpretation of Article XI and primarily Public Law 10-57.

The motion was seconded and carried by voice vote.

H. B. NO. 12-11, S.D.1: 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 OTHE PURPOSES. **[DEFERRED AND REFERRED TO COMMERCE AND TOURISM COMMITTEE]**

Speaker Fitial: The motion carries. Next, Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the passage on First and Final Reading House Bill No. 12-6, Committee Substitute 1.

The motion was seconded.

H. B. NO. 12-6, C.S.1: TO CREATE THE COMMONWEALTH TELECOMMUNICATIONS COMMISSION BY AMENDING 4 CMC, DIV. 8, TO ADD A NEW CHAPTER 2, SECTION 8211, ET SEQ., THE ‘COMMONWEALTH TELECOMMUNICATIONS ACT OF 2000’; AND FOR OTHER PURPOSES.

Speaker Fitial: Further discussion? Representative Benavente?

Rep. Benavente: Mr. Speaker, during the Eleventh Legislature and I think before than as Speaker of the House, I pushed for a commission legislation and I pushed the committee during that time because I felt also that it is necessary. I still feel the same way I think that this commission is still necessary although, Mr. Speaker, because of the comment submitted by MTC, I think that we

need to try – one of the reasons why we weren't able to produce the commission in the past is because we tried hard to work with MTC, a company that has assisted the Commonwealth for many, many years, I think a company that has contributed to this community, a company that I think we all try to work together in the development of this commission that is certainly going to affect them. I am in full support of this leadership's policy of pro-business and I think that at this time, we are not only enacting legislation or working on legislation to entice development or bring in investors we are also working hard in trying to protect those businesses that are on the island. I think one of those businesses that we need to try to work with and protect is MTC, a very critical service provider to this community. We don't have to say names, but we look at near land for example, in hard times they decided to just leave the Commonwealth and it hurt us. During those same hard times, MTC came in and invested on a fiber optic cable, spend millions of dollars on the fiber optic cable continue to provide the necessary telecommunication needs of this community. I think at this time that we should seriously consider the comments that they have submitted to us. I think that some of the comments that they provided to the committee and the Chairman and to this body, are some comments that I think we can still work with and I don't think that we should turn our back at this time on the concerns that they have raised, Mr. Speaker, I think that we can take the additional time to try to work something that will be workable with a respected company here in this community, MTC. Again, I am in full support of the establishment of the commission, but I think that as a policy that we've started here in this body to work with these businesses, I think we owe that to MTC. Thank you.

Rep. Attao: Mr. Speaker?

Speaker Fitial: Representative Attao?

Rep. Attao: Mr. Speaker, to expedite the discussion on House Bill No. 12-006, C. S. 1, may I ask the Chair to just point out the Committee Substitute on the Bill so that we will know what is going on?

Speaker Fitial: Chairman Rosiky Camacho, would you like to just briefly highlight the gist of the committee substitute?

Rep. Rosiky Camacho: If you look back on the explanation of the counsel, and then when you look at the numbering and you look at that original Bill, 12-6, it automatically change the numbering by section, that particular overthrow the whole bill, so for that reason you just go back and more likely you renumbering it, since that will take a lot of scratching out and so on, the Committee looks at it that in reality, change the content of the whole intent of the Bill. If you look back on the original Bill, all the subsections are there, definition, to establish funding and many others in tact it is just the numbering changes. That is the intent the committee looks at that and found out that it is best that we just come up for the neatness for the Bill to come up with a Committee Substitute, but in terms of substances it is there.

Rep. Attao: Can you give us an example here maybe amendment or chapters, or article?

Rep. Rosiky Camacho: If you look at the original Chapter 2, then you have section 8211. If you look at just the title, it goes 8301, that tells you right there you got the numbering system changed. But the whole table of content of the Bill is in that order.

Rep. Attao: So, in actuality, the Committee Substitute did not change anything whatsoever in the provision, is that correct?

Rep. Rosiky Camacho: No. It does change because of addition and deletion and another recommendation from the –

Rep. Attao: That is what I am asking, can you enlighten us on that or expound the committee substitute on the provision or the sections of the Bill?

Rep. Rosiky Camacho: Mr. Speaker, it looks like this is – maybe I could provide the good Representative the reference materials section by section that refer to even the Telecom Act of 1996 to have this pass on and see that this particular Bill is in order, because we could spent about three hours just to go section by section.

Rep. Attao: Mr. Speaker?

Speaker Fitial: Go ahead.

Rep. Attao: I was reviewing the testimonies submitted by MTC and when I review the Bill and even the Committee Report, it does not really address the testimony submitted by MTC. I am kind of curious to find out whether or not that testimony was incorporated in the Bill because this is a Committee Substitute. It only changes because of the numbering than I am just wondering. I asked question whether the original Bill was just transferred the provision in the Committee Substitute. But it is very important because the Committee conducted a Public Hearing and in that hearing the committee is responsible to get all the information and incorporate should that testimony is valid or favor by the Committee. But looking at the MTC –

Speaker Fitial: Representative Attao, maybe the right question to ask the Committee is, why was the original bill substituted?

Rep. Attao: I am alluding to that, Mr. Speaker.

Rep. Rosiky Camacho: I just answered that, Mr. Speaker.

Speaker Fitial: In other words, he is trying to find out from the Committee what are the specific changes that were made on the original bill that has now become a committee substitute?

Rep. Benavente: The numbering.

Speaker Fitial: So, you just provided the --

Rep. Rosiky Camacho: The reference materials from what is being looked at. It was too brought to come down and probably spent us few days of discussion.

Speaker Fitial: You should just make that part of the –

Rep. Rosiky Camacho: Mr. Speaker, can I just explain one of the details the one that you pass and this is one classic example and I just draw up a rough why this telecom is important? Right in the center, you have the facilities, meaning this is where the cable line is now then you have what they call the service providers of the services, IT&E and also going down the line, if you don't let MTC do all these what happen is that, when you pick up your phone and you dial for long distance, it has to go through this facility and this is really what they are trying to say, meaning, MTC now will not be charging that rate. Right now, you are charge my MTC because IT&E is using MTC. Now, FCC just makes a condition saying, "you are not now going to do that". The commission when it establish will go in and look further in this facility. The question I think we need to ask in this document, do MTC have the equipment, meaning the electronic equipment to be able to fulfill this provision? That is something that is a business in nature and sometimes when you have business in nature, the legislators need to be silent because all these other companies will be competing. Now, when this particular thing comes out and I read, this gives the other company a security if you establish the third party, which is the commission. Earlier, Mr. Speaker, our good colleague from Precinct III, mentioned about rates and it is supported by Precinct I. In the commission of this particular it talks about rate. This particular bill, Mr. Speaker, is the ground works of that rate commission. If we all going to try and try to look back, Mr. Speaker, in the Tenth Congress by the Committee Report, it was passed simply because we want to satisfied the Telecommunication Act of 1996 so that this fiber can be emplaced, but it stays in the Senate. If you look at that 10-14, on the fiber optic – am I right on that – but on that fiber optic, Mr. Speaker, P.L. 10-14, there's a lot of language in their if you look at the provision rate in there if you look at the provision in this commission, for example, uniform rate, uniform rate if you compare it to telecom definition it is *intro-latter* rate. We need to go back, Mr. Speaker, and look at that particular Public Law that created the fiber optic. There's a need on technical definition based on telecom that that bill needs to be looked at very carefully, for example, why should Saipan pay a long distance when you're calling the other island where Saipan is the hop meaning it is the facility? Meaning when you call from your house it goes to MTC, but when you call from Tinian and Rota it has to go to MTC, now is that fair? That is clear and sound on that fiber optic law because it has to be uniform meaning, it has to have the same rate between Saipan, Rota and Tinian is that fair? It is a question of fairness and

that is why one of the, *one of the*, provision that MTC actually wants to strike out on the provision of the Bill is location. We need to put that in the Bill simply to assure that all the islands are protected equally and fairly. Mr. Speaker, the Committee had worked hardly and the Committee, and I think in the trust of the Committee, Mr. Speaker, I would like to conclude that this Bill is in the best interest of the CNMI. Thank you.

Speaker Fitial: Anybody before I recognize repeaters? Representative Apatang?

Rep. Apatang: Thank you, Mr. Speaker. I am glad you recognize me I am not a repeater.

Speaker Fitial: No, I did not refer you to as a repeater. You are being presumptuous.

Rep. Apatang: Thank you for the information that was passed out on the telecom that was passed by the FCC. I also took the initiate to look at the internet and extract the news from FCC that reduces access charges by \$3.2 million, a reduction total of \$6.4 million since 1996 Telecommunication Act. I did this because just to show the members that FCC continues to do the regulation and this is the all intention of FCC to deregulate, give freedom, give more freedom to businesses to operate. They did not approve this because they don't want to regulate, they want to deregulate and give more freedom. On the Bill, I have some issues on some of the sections, on page 5, Section 8306, especially on line 13 where it says, "...members of the same political party." The Governor may appoint members with the same political party, I was wondering if this is proper? Also on that particular section, "The Commission should be made up of five (5) Commissioners, appointed by the Governor and confirmed by both Houses of the Commonwealth Legislature", I wonder if this is necessary? I think the Senate has the jurisdiction of confirming once appointed by the Governor. Why are we venturing into this policy again? On Section 8307, Qualification of Commissioners, is this open to anybody? What is the educational requirement? Is this going to be a political appointee again? We have to establish some kind of qualifications. We need somebody there that is very knowledgeable about telecommunications, not just somebody just so we can satisfy the requirement of being a Commissioner. On page 6, Section 8311, Executive Director, again, I strongly believe that we should include a qualification for the Executive Director. I am sure that if we put somebody in there, that is not knowledgeable

about the operation of a telecomm business, we will never go forward. We will just be paying probably a highly paid Executive Director at a \$70,000.00 per annum and doing nothing. There has to be a requirement on how to select and who to select and educational background. Mr. Speaker, on page 15, Transfers and Capitalization, I strongly believe that this particular section violates free market principals. We need to go back and look at this section. On page 25 –

Speaker Fitial: Can you explain why you said that this section violates the free enterprise principal?

Rep. Apatang: Mr. Speaker, this particular section actually, if we pass this Bill the Commission will be controlling the faith of this business. So if there's a Commissioner there that is bias than the faith of this business is on hold especially we are talking about one particular business here in the CNMI.

Rep. Hofschneider: Point of information.

Speaker Fitial: State your point of information.

Rep. Hofschneider: Mr. Speaker and the person holding the floor, the reason why that language is inserted is to protect the consumers. For instance, if one existing service provider wants to buy a members stock that keeps the scale towards control of the corporation than in essence that is monopoly if they have existing corporation servicing or providing service and coming in to the corporation, MTC for instance, allowing that to be purchase would tip a scale towards that outside service provider, that is the reason why the public is needed to be protected.

Speaker Fitial: Let me ask you, are you in favor or impose to the concept or the idea of creating a commission? I think this is the basic issue and idea. I don't think we should go into all the *chirigami* and because –

Rep. Apatang: Mr. Speaker, I want to make sure that the members are aware of the issue that is involve in this particular Bill. I am in favor of creating a commission, but not with this kind of Bill. Maybe we need to go back --

Speaker Fitial: So, how would you like the Bill to be language so that it will apiece the rest of the members so that we can all support the –

Rep. Apatang: Mr. Speaker, if I am going to sit here and amendment all these it will take us whole day and whole night. That is why, I am saying that I would like to point out that some of the issues here that we need to take a look at and maybe refer this back to the committee so the committee can take a look at other recommendations and improve on this Bill or maybe creating a Public Utility Commission (PUC) Bill that will incorporate the discussion we had earlier where we can take out the responsibility from CUC under Public Law 4-47 and –

Speaker Fitial: The discussion, Representative Apatang, we had earlier did not point out anything that would say or would indicate that setting up a telecommunication commission is not a good idea. The discussion earlier was substantiating the lack of a proper commission for CUC because CUC is a provider and at the same time a regulator and that is wrong. But that did not make this Bill bad, in other words, this Bill is what is needed so that CUC would also follow. I really believe, the policy we should address is, whether or not we should have a telecommunication commission and whether or not we should have a separate independent commission to regulate the rates for CUC?

Rep. Apatang: That is true, Mr. Speaker. But in the mean time what I am saying is that since we are discussing this Bill, I would like to point out the issues in particulars in regards to this Bill.

Rep. Rosiky Camacho: Mr. Speaker, I think for points of information –

Speaker Fitial: He still has the floor.

Rep. Rosiky Camacho: Go ahead and finish.

Speaker Fitial: Representative Apatang you still have the floor.

Rep. Apatang: Thank you, Mr. Speaker.

Speaker Fitial: But we understand if you have specific concerns that would improve the language of the Bill, I think you are –

Rep. Apatang: Mr. Speaker, I would like to point out some of the issues that I am concern, and if any member wants to amend than it is up to the members. But I would like to point out my opinion on this Bill.

Speaker Fitial: Right.

Rep. Apatang: Continuing on page 25, Section 8326, Discounts for Schools, Libraries, and Health Care Providers. The Commission is authorize to establish intra-Commonwealth discounts to schools, libraries, and health care providers and to perform administrative functions necessary as a condition of Federal Universal service, again, this is a practice that if this Bill is pass will control the telecom industry it will probably mandate them to provide discount, which is not a good practice. If we mandate the telecom business to do this, mandate them to provide discounts to school and all that, who is going to suffer at the end? They will probably pass on to the consumers and we will suffer again.

Rep. Hofschneider: Point of clarification, Mr. Speaker.

Speaker Fitial: Go ahead state your point of clarification.

Rep. Hofschneider: On that concern, I believe that the Bill was referred to the Federal Commissioner on Communication and that is how we had response from FCC, is that correct?

Rep. Rosiky Camacho: Yes. Mr. Speaker –

Rep. Hofschneider: That section was commented as being illegal under Federal Code? Was it commented?

Rep. Rosiky Camacho: Mr. Speaker, is Representative Apatang done? Because there –

Rep. Apatang: I am not finish yet.

Speaker Fitial: No, he still has the floor. He has several concerns.

Rep. Apatang: Mr. Speaker, since this Bill is directed to actually one agency, one business in the Commonwealth and that is the only business that is providing us a good telephone system in the CNMI, I think we need to consider the passage of this Bill – strongly reconsider it. Mr. Speaker, MTC receive all specific federal universal services funds by the designated telecom carrier here in the CNMI by CUC. By them being designated to CUC to be the telecommunication carrier in the CNMI, they are securing federal grants for the CNMI. They have legal counsels in Washington, D. C. that looks for the welfare of the CNMI also. If they have anything that they can secure for the CNMI in regards to the federal grant they will secure that because that is the agreement and they are recognized by FCC as the telecom carrier of the CNMI.

Speaker Fitial: I agree as Representative Benavente pointed out. The Legislature should also try and this is the leadership's agenda, to also support existing businesses. So, let us try to support – our people, you understand – setting up this commission is basically to protect our people, the consumers. But at the same time, we are trying to support existing businesses. Let me ask you, is there anything that is regulating MTC as the moment? The CUC –

Rep. Apatang: Public Law 4-47 gave CUC the authority to do that and I believe they are promulgating rules and regulation for that.

Speaker Fitial: Public Law 4-47 was enacted in the Fourth Legislature.

Rep. Apatang: I agree. I don't know why they don't have anything right now, but they are aware of it now that they are the regulating body as far as telecom.

Speaker Fitial: So, I don't think it is a fair statement to say that we should deregulate something that is not yet regulated. Anyway, the key here, Representative Apatang is, we should try to support as much as we can the existing businesses, we don't want to see any existing businesses die.

Rep. Apatang: Exactly Mr. Speaker, that is what I am saying. Why are we trying to pass a commission that will regulate when FCC is passing regulation that will deregulate? Here we are, we are going to sit here and regulate and tax all screws and knots in the telecommunication business in MTC and any other telecommunication companies, this is not right.

Speaker Fitial: So let us try to make it right.

Rep. Apatang: What are they doing wrong at this time?

Speaker Fitial: So let us point out what is not right and let us correct them. Let us not just say, "this is not right". Let us look at what is not right and let us do something to correct.

Rep. Apatang: Exactly, that is why I am asking that we refer this Bill back to the committee and have them do some more research.

Speaker Fitial: Yes, but for you just to state what is wrong and not come up with your suggestions to make it right, that is not constructive.

Rep. Apatang: Mr. Speaker, I was just reading on a section by section what I think and my opinion –

Speaker Fitial: Yes. But when you are reading you should also have ready what you want to suggest, to correct what is wrong. That is the way we should handle our work because if I were to criticize thing, I better have something ready to suggest, a solution.

Rep. Apatang: I have a solution. What I am saying is that send this back to the Committee and I'll sit down with the Committee and maybe work with the Committee.

Speaker Fitial: Did MTC come up with a solution?

Rep. Apatang: They did submit a recommendation, Mr. Speaker, when they were asked for comments and none of those recommendation or comment was incorporated.

Speaker Fitial: There recommendations as I understand is they don't favor commission.

Rep. Apatang: Mr. Speaker, this is our problem here in the CNMI, the Legislature, we conduct public hearing. We ask these people to come and sit before us and we crucified them, we ask them to spend their time here all day long. Yet, when we received their comments we just throw it on the side and ignore it completely. We don't even incorporate anything, we don't even bother to call them back and say, "I'm sorry, we don't need your statement anymore". We will copy the FCC regulation and make that our bill. Why can't we just adopt the FCC regulation?

Speaker Fitial: Okay so I will call them back and ask them how do they plan to improve this Bill?

Rep. Apatang: If that is your prerogative, Mr. Speaker. Thank you.

Speaker Fitial: Representative Pangelinan?

Rep. Pangelinan: I want everyone to understand that when I talk about a Bill, my spirit is to improve the quality of the Bill and maybe if that perception is proceed positively, thank you, if not than what else can I do? On page 4, somewhere it is so declares and I'll come back with

some propose amendment. The Commission itself shall be an independent body. At the same time, on line 32 and 33, it links the Attorney General's Office, maybe what we need to do is review this and develop what is the legal relationship between that body, the Commission, and the Attorney General's Office. On page 5, The Commissioners, to confirm the Commissioners by both Houses is, Mr. Speaker, a truly complex process before it gets to the Governor. We are trying to set up a Commission, hopefully a simple Commission that can function well, that is the intent so they can function rightfully for the best interest of the people. Before a Commissioner is appointed, he has to go through rough roads, from here to Marpi and Marpi to San Antonio. On the same page, lines 17 to 21, The Quorum, five (5), three (3) is a quorum. In other word, the Saipan Delegation, the Saipan Commissioners can always develop a strategy to ignore and neglect like the representation of Rota and Tinian. So, maybe one thing we could do is making it into four (4) in respect to the collaboration of the three (3) islands. On page 6, line 10, interesting that all other, most of the boards if not, majority of the boards and commissions have a four (4) term of expiration, this is five (5). And on lines 16 and 17, the Commissioner would be paid \$200.00 a day for meeting plus other expenses, maybe per diem, maybe allowances. A board member of the State Board of Education went through and election process and that person only earns \$60.00 every time he meets with the board members for one day, \$30.00 less than a day. So, somewhere it is set of inconsistent standard with the rest of the boards, with the other commissions and other boards, so if that could be review so it will not discriminate upon other boards. By the time we create this commission everybody will be running to the telecom commission because it pays well, it last longer. That is about it, Mr. Speaker, if that could be review.

Speaker Fitial: Yes. Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. To facilitate discussion on this, just one question, do we have a repealer section and do we need one? Under 4 CMC, Division 8, it states, one of the function or the powers of CUC is to regulate cable TV, telephone and other utility services it is than permitted by the applicable federal law, that should be repeal and included in the Bill.

Speaker Fitial: Well, if there is no specific section for repealer then, Ton, do you consider this to be a repealer by implication? – So, there is a repealer section – 4 CMC, Division 8 are hereby deleted.

Rep. Benavente: Where?

Speaker Fitial: On the title page.

Rep. Benavente: Okay.

Rep. Hofschneider: Can I continue, Mr. Speaker?

Speaker Fitial: Proceed.

Rep. Hofschneider: Under the current agreement, Mr. Speaker, CUC receives the franchise agreement is that anywhere mention?

Speaker Fitial: Anymore?

Rep. Hofschneider: Is this appropriated to the Commission or automatically?

Rep. Rosiky Camacho: Page 15, the franchise.

Rep. Hofschneider: Where is the franchise the usage of the money?

Rep. Rosiky Camacho: On page 15.

Rep. Hofschneider: I am reading page 15 there is nothing about expenditure.

Speaker Fitial: Did you find it?

Rep. Hofschneider: Yes. Thank you, Mr. Speaker.

Speaker Fitial: Okay, the graduation is very close. Everybody ready? We will be voting on the motion to pass House Bill No. 12-6, Committee Substitute 1 on First and Final Reading.

Floor Leader Babauta: Mr. Speaker before you we that, may I clarify something from the Chairman of PUTC?

Speaker Fitial: State your clarification.

Floor Leader Babauta: Or rather find out an information, I understand that this is a comprehensive Telecommunication Act, Mr. Speaker, and also I am aware that the Administration have been pursuing so far for the last several years, if I may request an information from the Chair or any member of PUTC, whether or not House Bill No. 12-6 has been reviewed by – I understand that the Administration has sort of communication division or office in the Office of the Governor, is that office aware of this legislation Chairman Camacho?

Rep. Rosiky Camacho: Mr. Speaker, to answer the Floor Leader, the legal history, the same legal counsel has been hired by Froilan and hired our present Governor is the same legal counsel that reviewed this particular Bill. And for reference, this particular Bill in substance is the same as the one passed in the Tenth Congress.

Floor Leader Babauta: Thank you. That is all, Mr. Speaker.

Rep. Apatang: Maybe he needs more pay.

Speaker Fitial: Pardon?

Rep. Apatang: Mr. Speaker, maybe the legal counsel in Washington, D. C. need more pay that is why he is giving us this Bill that is not right.

Rep. Hofschneider: Ready.

Rep. Rosiky Camacho: Ready, Mr. Speaker.

Floor Leader Babauta: Thank you, Mr. Speaker.

Speaker Fitial: Okay. We are voting on the passage motion, roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-06, Committee Substitute 1, on First and Final Reading as follows:

Rep. Martin B. Ada	no
Rep. David M. Apatang	no
Rep. Jesus T. Attao	no
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	no
Rep. Antonio M. Camacho	excused
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.	excused
Rep. Norman S. Palacios	yes
Rep. Thomas B. Pangelinan	no
Rep. Maria “Malua” T. Peter	yes
Rep. Stanley T. Torres	no
Rep. William S. Torres	excused
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-6, Committee Substitute 1, passes the House. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the passage on First and Final Reading House Bill No. 12-165.

The motion was seconded.

H. B. NO. 12-165: A BILL FOR AN ACT TO DESIGNATE BIRD ISLAND AND FORBIDDEN ISLAND AS SANCTUARIES FOR THE CONSERVATION OF WILDLIFE AND MARINE LIFE; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-165 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	excused
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.	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. 12-165 –

Rep. Pangelinan: Mr. Speaker, can I make a comment if that is in order?

Rep. Benavente: No objection, Mr. Speaker.

Floor Leader Babauta: No objection, Mr. Speaker.

Speaker Fitial: Proceed.

Rep. Pangelinan: To the members and to you, Mr. Speaker, what we did today will one day be highly appreciated by our kids and our grand kids, they will pause for a moment and say, “thank God to the honorable members of the Twelfth Legislature for their futuristic minded conservation people.” Maybe to some of the people, what we did today is not meaningful, but let me tell you, five or ten years from now, it will be so meaningful and I thank all of you.

Speaker Fitial: House Bill No. 12-165 passes the House.

Rep. Jones: Mr. Speaker, can I just say few words?

Rep. Benavente: No objection.

Speaker Fitial: No objection. Go ahead.

Rep. Jones: The record shows that this was introduced in the Eleventh Legislature by Representative Rosiky Camacho, but we give credit to Representative Pangelinan also because it could be initiative to restate what is needed to protect the island. Thank you.

Speaker Fitial: When I affix my signature for the transmittal, I will include a word. Floor Leader?

Rep. Apatang: Mr. Speaker, can you make sure that you not who gets the credit?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the passage on First and Final Reading House Bill No. 12-176.

The motion was seconded.

H. B. NO. 12-176: A BILL FOR AN ACT TO AMEND 1 CMC 3711 BY ADDING A NEW SUBSECTION (c); AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion?

Several members voiced, “ready”.

Speaker Fitial: Roll call.

Rep. Ada: Mr. Speaker, may I go back to discussion if there’s no objection from the members?

Speaker Fitial: No objection.

Rep. Ada: I would like to offer an amendment on page 1 line 7, on the time frame for the effectuation of the transaction the words “as soon as practicable” be replace with “no later than thirty calendar days”.

Rep. Benavente: Point of order. Mr. Speaker, the amendment needs the suspension.

Speaker Fitial: Right. We need a suspension motion in order to accommodate your amendment.

Floor Leader Babauta: So move, Mr. Speaker, Rule IX Section 11.

The motion was seconded and carried by voice vote.

Rep. Ada: Thank you.

Speaker Fitial: The motion carries. You are now in order to offer your oral amendment.

Rep. Ada: Thank you, Mr. Speaker. *Taiguine-ha este siha mannuebu*. So the words on line 7, “as soon as practicable” be replaced with “no later than thirty calendar days”, that is it.

The motion was seconded.

Speaker Fitial: Discussion? Representative Rosiky?

Rep. Rosiky Camacho: Mr. Speaker, when you do put number it locks in the individual, if you put the word “practicable” meaning it gives ample time and you give a free will to whatever happen. So, I think putting a number really restrictive under management procedural, I think “practicable” is the more appropriate for legal opinions.

Speaker Fitial: In other words, if the transaction is not close after thirty days then it renders the transaction on void?

Rep. Rosiky Camacho: That I don’t Know, Mr. Speaker.

Speaker Fitial: Legal Counsel just nod or shade –

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Discussion on the –

Floor Leader Babauta: Yes, on the on the oral floor amendment offered by Representative Ada, Mr. Speaker, this would probably live again the dilemma even if you have to file with the Recorders Office within that day it lives – I guess what he is trying to say is it give another thirty days for the Recorders Office to officially document the execution of the transaction is this what you are alluding to on your oral floor amendment?

Rep. Ada: Yes.

Floor Leader Babauta: So even if I file my transaction this morning that gives the Recorder's Office thirty days to officially adopted the document is this what you are saying?

Rep. Ada: No. It just gives you time between the date you sign the transaction and thirty days, sometimes some transactions are actually put back and withdrawn or amended or change, that will give you ample time.

Floor Leader Babauta: I am afraid that probably a transaction might be done three times within one week, Mr. Speaker. May I request, Mr. Speaker, the counsel to just give us a basic reading on the last paragraph, "as it is"?

Speaker Fitial: Well it is the same thing as the existing Labor Law it says that labor shall process application within thirty days, right?

Rep. Hofschneider: Yes. Mr. Speaker, may I –

Speaker Fitial: But a lot of the permits now when they get issued it is thirty days before three hundred and sixty-five days.

Rep. Hofschneider: May I offer just a curiosity? That is an offer – I think the original words are proper. What it means is that an instrument is being recorded the minute you file it and it gives the recorder to be recorded as soon as it is practicable, so I don't see thirty days versus thirty-one

days to be impractical. Because the minute you file it that is official according to this language it is being recorded already the minute you file it. It is just to put it on record so that others looking for paper trail can have it to their access. There is really nothing –

Rep. Benavente: Clarification, Mr. Speaker.

Speaker Fitial: State your point of clarification.

Rep. Benavente: Would it give grounds for a challenge for example if –who would define a practical and if some one were to challenge a document because it was not recorded in practical time what kind of a --?

Rep. Hofschneider: Computer virus.

Rep. Ada: Mr. Speaker?

Rep. Benavente: I think it might create a problem.

Rep. Hofschneider: The recorder can get sick and it is in practical to resist on someone who doesn't know how to put it on record.

Speaker Fitial: Sometimes the recorder would bring it home with him and he forgot to bring it back.

Rep. Apatang: Mr. Speaker, can we have the legal counsel clarify the practical language here where if I file mine here in one year is that practical?

Speaker Fitial: No. Filing is not the issue here, filing is not the issue it is the recording.

Rep. Ada: Yes. But the amendment was that he wants thirty days after transaction. That means you have thirty working days after transaction to file your documents.

Rep. Hofschneider: Objection, that is not what the issue.

Speaker Fitial: The question here is not on the filing because the filing is effectuated right there when you bring it in, but the recording this is the question, the practical.

Rep. Ada: Yes, Mr. Speaker, thank you. That is why --

Rep. Apatang: Under recordation what is the issue here?

Rep. Hofschneider: Inputting or to write it in the logbook that it is recorded, but the minute you file it is official. So, you can hold it back for one year.

Rep. Apatang: So practicable means if the clerk takes her one year to input than it is okay/

Rep. Ada: Mr. Speaker, may I?

Speaker Fitial: The compromise here would be to have both “thirty days” or “as practicable”.

Floor Leader Babauta: Can we ask the counsel to – short recess, Mr. Speaker, for one minute?

Speaker Fitial: Short recess.

The House recessed at 4:58 p.m.

RECESS

The House reconvened at 5:00 p.m.

Speaker Fitial: The House reconvenes. Representative Ada on the amendment?

Rep. Hofschneider: Seconded, Mr. Speaker.

Speaker Fitial: Okay, we are voting on the oral Floor Amendment offered by Representative Ada.

Majority hands raised carried the motion to adopt the oral Floor Amendment offered by Representative Ada.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: We are back to the main motion.

Speaker Fitial: We are back to the main motion voting on House Bill No. 12-176, House Draft 1. Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-176, House Draft 1, 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	excused
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.	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. 12-176, House Draft 1, passes the House. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move for the passage on First and Final Reading House Bill No. 12-190.

The motion was seconded.

H. B. NO. 12-190: A BILL FOR AN ACT TO ADD A NEW SUBSECTION 3311(d) TO 4 CMC CHAPTER 3 NOTARIES PUBLIC; AND FOR OTHER PURPOSES.

There was no discussion raised.

The Clerk called the roll on the motion to pass House Bill No. 12-190 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	excused
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.	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. 12-190 passes the House. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I so move for the passage on First and Final Reading House Bill No. 12-173.

The motion was seconded.

H. B. NO. 12-173: A BILL FOR AN ACT TO AMEND PUBLIC LAW 11-15 TO GIVE THE MARIANAS VISITORS AUTHORITY THE POWER TO REGULATE COMMERCIAL ACTIVITIES ON OR NEAR TOURIST SITES; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? I think we have already satisfied everybody’s concern. We have asked the legal counsel to incorporate the right phraseology to stay safe and that is as authorized by the Division of Public Land.

Rep. Benavente: *Ti mana’halom i amendment.* You can’t do that on your own.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Thank you. So move for the suspension of Rule IX, Section 11 so that Representative Hofschneider can offer his amendment.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Thank you, Mr. Speaker, I offer an oral Floor Amendment, where it's appropriate for the legal counsel to insert "as authorize" in the Bill.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Now, we are voting on the passage motion on House Bill No. 12-173, House Draft 1.

The Clerk called the roll on the motion to pass House Bill No. 12-173, House Draft 1, 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	excused
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.	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. 12-173, House Draft 1, passes the House. Floor Leader?

Floor Leader Babauta: Mr. Speaker, We have adopted Standing Committee Report No. 12-117, Mr. Speaker, if there is no objection from the members, I wish to suspend Rule IX, Sections 9 and 10 for the passage of House Bill No. 12-63 on First and Final Reading.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. House Bill No. 12-63 is placed on today's Bill Calendar for consideration on its 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. 12-63.

The motion was seconded.

H. B. NO. 12-63: A BILL FOR AN ACT TO AMEND TITLE 8, ARTICLE 3 OF THE COMMONWEALTH CODE BY ADDING A NEW SECTION 1335, AND TO REPEAL AND REENACT 8 CMC 1822(b) AND 1829(a); AND FOR OTHER PURPOSES. [Referred to JGO Committee]

Speaker Fitial: Discussion? Representative Benavente?

Rep. Benavente: Mr. Speaker, unless the Floor Leader who is the author of House Bill No. 12-63, because it was just passed out today, I wish that we would take this up on the next session, because I think this is something sensitive lives of individuals whether it is divorce on this case.

Floor Leader Babauta: Mr. Speaker?

Speaker Fitial: Floor Leader?

Floor Leader Babauta: No objection, Mr. Speaker, to the request of Representative Benavente, I just wish to inform the members that this Bill have been previously introduced in the Eleventh Legislature, however, the Committee never acted upon it and a request to clarify certain provisions of the, “Title 8, Chapter 3”, I don’t know what is the title of the Chapter, but it is a request to rectify some technical provisions in that particular –

Speaker Fitial: Is your propose Bill proposes to deviate from the norm?

Floor Leader Babauta: Unless the members, I have no objection in placing it on First Reading only, Mr. Speaker.

Rep. Rosiky Camacho: No objection.

Rep. Peter: Refer it to my committee so that --

Rep. Benavente: No. Pass it on First Reading.

Speaker Fitial: Right.

Floor Leader Babauta: So move for First Reading, Mr. Speaker.

The motion was seconded.

Speaker Fitial: Okay, if there is no objection, I would like to refer this Bill back to the Committee on Judicial and Governmental Operations. There is a missing phrase on the bottom on page 1, between the words “property” and “can”.

Rep. Jones: The Bill, Mr. Speaker or the report?

Speaker Fitial: The Bill.

Rep. Jones: Page 1?

Speaker Fitial: Yes. You better check the original bill because there is something missing in between.

Floor Leader Babauta: You might be right, Mr. Speaker, because the original bill does not contain a label phrase of –

Speaker Fitial: Anyway, it is being referred back to the Committee. That is not our problem right now it is the committee's problem.

Rep. Benavente: So move to refer it back to the committee, Mr. Speaker, since there's a motion on the floor.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: Move to recess, Mr. Speaker.

Speaker Fitial: Before recess, I would like to ask any Chairman if they have any announcement?

ANNOUNCEMENTS

Chairman Palacios: Yes, Mr. Speaker.

Speaker Fitial: Chairman Palacios?

Chairman Palacios: The Federal and Foreign Relations Committee meeting will be on June 05, at 9:00 a.m. in the Speaker's Conference Room, references to Jeff Shorr *saga*.

Speaker Fitial: Chairman Rosiky?

Chairman Rosiky Camacho: Thank you, Mr. Speaker. Reminder for Public Hearings so there will be no deviation on the Bills, the Utility hook-up illegal and the private water wells will be on Public Hearing on Monday, June 05, at 8:30 a.m. in this Chamber; Tuesday, June 06, at 10:00 a.m. will be on Rota and on June 8, at 10:00 a.m. in Tinian, so if you want to travel with your Bill come along.

Speaker Fitial: What time is the Federal and Foreign Relations Committee meeting on Monday, Chairman Palacios?

Chairman Palacios: At nine o'clock.

Speaker Fitial: Floor Leader?

Floor Leader Babauta: Mr. Speaker, happy weekend and move to recess.

The motion was seconded.

Speaker Fitial: The House stands recess.

The House recessed at 5:15 p.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives