



House Journal

SECOND REGULAR SESSION, 2002

Eighth Day

November 21, 2002

The House of Representatives of the Thirteenth Northern Marianas Commonwealth Legislature convened in its **Eighth Day, Second Regular Session**, on **Thursday, November 21, 2002**, at **10:12 a.m.**, in the House Chamber, Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Heinz S. Hofschneider, Speaker of the House, presided.

A moment of silence was observed.

The Clerk called the roll. Fourteen members were present. Representative Martin B. Ada came in late and Representatives Gloria DLC. Cabrera, Herman T. Palacios and Benjamin B. Seman were excused.

ADOPTION OF JOURNALS

Floor Leader Attao moved for the adoption of the 5th Day, 6th Day and 7th Day Journals for the Second Regular Session.

The motion was seconded.

Speaker Hofschneider: Motion for the adoption of the 5th, 6th and 7th Day, Second Regular Session Journals has been seconded. Discussion on any of the Journals?

Several members voiced, "ready."

Speaker Hofschneider: For purposes of corrections, I'd like to ask the indulgence of the members that I may go back to correct some of the misspellings on my remarks particularly in the vernacular.

Rep. Babauta: No objection, Mr. Speaker.

There was no further discussion, and the motion to adopt the journals was carried by voice vote.

Speaker Hofschneider: Motion carried. Before we proceed I want all the members to please recognize the 9th graders from Saipan International School and their instructor. They're here to observe the government and part of their tour is the Legislative Branch. They want to see how the Legislature, particularly the House, conducts its session and how bills become law. For the benefit of the students, we will try and slow the pace. So be advised, don't rush the cart. Thank you.

PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 13-215: A Bill for an Act to establish a Garment Industry Division within the Department of Commerce; and for other purposes.

Offered by: Rep. Andrew S. Salas and two others
Referred to: Committee on Commerce

H. B. NO. 13-216: A Bill for an Act to establish a Solid Waste Management Revolving Account to provide financial support to Commonwealth Solid Waste Management Systems; and for other purposes.

Offered by: Rep. Arnold I. Palacios and four others

H. B. NO. 13-217: A Bill for an Act to amend 4 CMC § 1407(b) relating to collection of excise taxes.

Offered by: Rep. Jesus T. Attao

H. B. NO. 13-218: A Bill for an Act to amend 1 CM § 311 reducing the number of legal holidays per year.

Offered by: Rep. Arnold I. Palacios
Referred to: Committees on Judiciary and Government Operations, and Ways and Means

H. B. NO. 13-219: A Bill for an Act to amend 4 CMC, Division 8, Chapter 1 § 8122; and for other purposes.

Offered by: Rep. Arnold I. Palacios and one other

H. B. NO. 13-220: A Bill for an Act to amend sections 3, 4, and 5 of PL 13-17, as amended by PL 13-25; and for other purposes.

Offered by: Rep. Jesus T. Attao and one other

H. B. NO. 13-221: A Bill for an Act to authorize the commercial operation of amusement machines at the airports and seaports of the Commonwealth of the Northern Mariana Islands; to waive the applicable license fees for amusement machines owned or operated by the Commonwealth Ports Authority at the airports and seaports of the Commonwealth; and to waive any restriction regarding the maximum number of amusement machines that the Commonwealth Ports Authority may own or operate at the public airports and seaports of the Commonwealth; and for other purposes.

Offered by: Rep. Daniel O. Quitugua and three others

H. B. NO. 13-222: A Bill for an Act to repeal Public Law 11-17 in its entirety.

Offered by: Rep. Norman S. Palacios

H. B. NO. 13-223: A Bill for an Act to transfer to the Commonwealth Ports Authority the title and ownership of certain public lands near the Port of Saipan for port development and port-related support facilities; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero and two others
Referred to: Committee on Natural Resources

PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 13-089: A House Resolution to extend a sincere and heartfelt gratitude and congratulation to Mr. Craig H. Garrison, Vice Principal, Saipan Southern High School, for his heroic act that prevented death from drowning of a one (1) year old boy at beach side area, San Antonio, Saipan.

Offered by: Rep. Pedro P. Castro

H. R. NO. 13-090: A House Resolution to support the purchase of Verizon Micronesia by a locally-owned and operated business consortium; and for other purposes.

Offered by: Rep. Stanley T. Torres and seventeen others
Referred to: Committee on Public Utilities, Transportation and Communications

Rep. S. Torres: With the unanimous consent, I'd like H. R. NO. 13-090 to be a Committee of the Whole Resolution.

Speaker Hofschneider: Is that a resolution or a bill?

Rep. S. Torres: A Resolution.

Speaker Hofschneider: Thank you.

H. R. NO. 13-091: A House Resolution to express a sincere and heartfelt congratulation to Senators Felix P. Camacho and Kaleo S. Moylan for successfully winning the Guam Gubernatorial and Lieutenant Gubernatorial Election held on Tuesday, November 5, 2002 and wishing them well during their term of office.

Offered by: Rep. Pedro P. Castro and seventeen others

H. R. NO. 13-092: A House Resolution to express a sincere and heartfelt congratulation to the Honorable Madeleine Z. Bordallo for successfully being elected as Guam's Delegate to the United States Congress and wishing her well during her term of office.

Offered by: Rep. Pedro P. Castro and seventeen others

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: Mr. Speaker, I'd like to ask the indulgence of colleague Pete Castro to include everybody on all of his three resolutions.

Speaker Hofschneider: If there's no objection, the resolutions will be sponsored by the Committee of the Whole.

No one on the Floor objected.

H. R. NO. 13-093: A House Resolution to express sincere appreciation to Honorable Luis DLG. Castro for his outstanding leadership, commitment and dedication during his tenure as Vice Speaker and Speaker of the Commonwealth of the Northern Mariana Islands Youth Congress.

Offered by: Rep. Manuel A. Tenorio

H. R. NO. 13-094: A House Resolution to re-allocate funds, in the amount of \$500,000.00 from the Transportation Improvement Plan FY 2003, to fund the necessary improvements of the pedestrian crosswalks by adding warning flashers (beacons) for oncoming traffic.

Offered by: Rep. Manuel A. Tenorio

Speaker Hofschneider: Any other resolution? None. I have one resolution to introduce. Before I introduce this resolution, I want to state for the record that this is a resolution in cooperation with the Governor. We've been working together for the last week and a half.

H. J. R. NO. 13-018: A House Joint Resolution to endorse the Administration's effort to secure a public debt in an amount not to exceed \$19,000,000 to pay all tax rebates and refunds now due to the taxpayers of the Commonwealth.

Offered by: Rep. Heinz S. Hofschneider and two others

Speaker Hofschneider: I want the members' indulgence to consent passage of this resolution on the floor.

There was no objection.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 13-344 – October 31, 2002 – Informing the Legislature that he signed H. B. NO. 13-066 (San Vicente Waterline Replacement Project Appropriation) into **Public Law No. 13-27**.

GOV. COMM. 13-345 – November 1, 2002 – P.L. 11-6 notification of exemption for WDI Saipan, Inc. dba Tony Roma's & Capricciosa Restaurant.

GOV. COMM. 13-346 – November 1, 2002 – P.L. 11-6 notification of exemption for Mugen Corporation.

GOV. COMM. 13-347 – November 1, 2002 – P.L. 11-6 notification of exemption for 3’c Corp. dba 3’s Auto Parts 7 Service.

GOV. COMM. 13-348 – November 5, 2002 – P.L. 11-6 notification of exemption for Choice Radio, Inc.

GOV. COMM. 13-349 – November 5, 2002 – P.L. 11-6 notification of exemption for Chris J. Nelson dba Marianas Trekking.

GOV. COMM. 13-350 – November 5, 2002 – P.L. 11-6 notification of exemption for the Department of Public Health.

GOV. COMM. 13-351 – November 6, 2002 – Submitting a proposed legislation to provide funding for health care in the Northern Marianas.

GOV. COMM. 13-352 – November 8, 2002 – Informing the Legislature that he disapproved H. B. NO. 13-126, HS1 (re Civil Service Commission Act).

GOV. COMM. 13-353 – November 9, 2002 – Informing the Legislature that he signed H. B. NO. 13-080, HD1 (Agriculture Equipment Service Revolving Fund Program) into **Public Law No. 13-28**.

GOV. COMM. 13-354 – November 14, 2002 – Informing the Legislature that he signed S. B. NO. 13-41, SD1 (Commonwealth Video, Film and Media Office) into **Public Law No. 13-29**.

GOV. COMM. 13-355 – November 14, 2002 – Informing the Legislature that he signed S. B. NO. 13-32, CS1 (Rota Village Homestead Reservation Act) into **Public Law No. 13-30**.

GOV. COMM. 13-356 – November 1, 2002 – Appointing Ms. Ramona V. Mangloña to be the Attorney General.

GOV. COMM. 13-357 – November 1, 2002 – Requesting the US Army Corps of Engineers to oversee the planning, design and construction of a new landfill in Tinian.

GOV. COMM. 13-358 – November 18, 2002 – Regarding the Tobacco Settlement Fund appropriation.

GOV. COMM. 13-359 – November 15, 2002 – P.L. 11-6 notification of exemption for Pacific health Inc. dba P.H.I.

GOV. COMM. 13-360 – November 16, 2002 – Regarding the planning, design and construction of a new landfill for Tinian.

GOV. COMM. 13-361 – November 18, 2002 – P.L. 11-6 notification of exemption for Min’s Corporation dba Esquire Beauty Shop.

GOV. COMM. 13-362 – November 18, 2002 – Informing the Legislature that he signed S. B. NO. 13-29, CS1, Rota Cultural Center Designation Act of 2002, into **Public Law No. 13-31**.

Speaker Hofschneider: Before we leave Messages from the Governor, I’d like to submit one that came in late and did not make it on today’s agenda. For the record, this is an invitation to the House from our Governor for a meeting at 3:00 p.m. today at the Governor’s conference room. This is to discuss the impact of H. B. NO. 13-126, which, as you all know, has been vetoed by the Governor and the conference is for a draft legislation, which will address the concern.

GOV. COMM. 13-363 – November 20, 2002 – Invitation for a meeting on November 21, 2002 at 3:00 p.m. to discuss the impact of H. B. NO. 13-126 and to seek support for a draft legislation to address concerns.

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: I think that the Governor’s conference room is not as large as this chamber. Can we ask the Governor to consider the conference to be held in this chamber?

Speaker Hofschneider: Not a problem. I would do that. Any other comments on Messages from the Governor?

The Chair recognized the Floor Leader.

Floor Leader Attao: On GOV. COMM. 13-352 dated November 8, 2002 informing the Legislature that he disapproved H. B. NO. 13-126, HS1 relative to the Civil Service Commission Act, Mr. Speaker, I move to refer this communication to the Committee on Ways and Means under the Ways and Means Special Committee.

The motion was seconded; there was no discussion and the motion to refer the GOV. COMM. 13-352 to the Committee on Ways and Means was carried by voice vote.

Speaker Hofschneider: Motion carried. On GOV. COMM. 13-354 informing the Legislature that he signed S. B. NO. 13-41, SD1, Commonwealth Video, Film and Media Office into Public Law 13-29, I'd like to raise one issue with this legislation and that is, there was an action taken by the Senate to recall this from the Governor's Office. That was done by the Senate and we did not act on it appropriately on time. I believe 40 days is the timetable required under the Constitution for this bill and the clock was ticking. There is a constitutional question on this bill. It sets permits and fees, which is the domain of the House of Representatives. Revenue bills are the specific domain of the House of Representatives. This is a Senate Bill and there may be a possible unconstitutionality that I want the counsels to look into. Short recess.

The House recessed at 10:29 a.m.

RECESS

The House reconvened at 10:39 a.m.

Speaker Hofschneider: We're back to our session and we're still under Messages from the Governor. Any comments? None.

SENATE COMMUNICATIONS

The Chair recognized the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, motion to accept SEN. COMM. 13-105 thru SEN. COMM. 13-116.

The motion was seconded by Rep. Babauta.

SEN. COMM. 13-105: Informing the House that the Senate defeated the motion to override the Governor's line item vetoes to H. B. NO. 13-170, HD1 (PL 13-24), FY 2003 Budget Act.

SEN. COMM. 13-106: Informing the House that the Senate accepted the House amendments to S. B. NO. 13-14, re. Commercial Farmers & Ranchers Water Rates.

SEN. COMM. 13-107: Return of H. B. NO. 13-063, HS1, re. Tobacco Settlement Expenditure Fund, which the Senate passed without amendment on October 29, 2002. [Will go to Governor (See SEN. COMM. 13-113)]

SEN. COMM. 13-108: Return of H. B. NO. 13-195, re. Poker Licensing Fees, which the Senate passed without amendment on October 29, 2002. [Before the Governor]

SEN. COMM. 13-109: Transmittal of a certified copy of S. R. NO. 13-27, SD1, entitled, "A Senate Resolution to express opposition to the United States Department of Fish & Wildlife's proposal that 2,462 hectares, or approximately 6,084 acres, of land on the island of Rota be set aside as 'critical habitat' for the Marianas Crow," adopted by the Senate on November 6, 2002. [For inf.]

SEN. COMM. 13-110: Informing the House that the Senate recalled from the Governor S. B. NO. 13-41, SD1, Commonwealth Film, Video and Media Office. [Signed into PL 13-29; see Gov. Comm. 13-354]

SEN. COMM. 13-111: Informing the House that the Senate accepted the House amendments to S. B. NO. 13-11, re CNMI National Guard Act.

SEN. COMM. 13-112: Return of H. B. NO. 13-173, HS1, Office of Military Liaison and Veteran Affairs Act, which the Senate passed without amendment on November 8, 2002. [Before the Governor]

SEN. COMM. 13-113: Request for the return of H. B. NO. 13-063, CS1 re Tobacco Settlement Expenditure Account, which the Senate voted to recall for reconsideration on November 13, 2002. [For consideration]

SEN. COMM. 13-114: Transmittal of a certified copy of S. R. NO. 13-24, entitled, "A Senate Resolution to commend Saipan Southern High School Vice Principal Craig Garrison for having helped to save the life of a young child on October 26, 2002, at San Antonio beach." [For inf.]

SEN. COMM. 13-115: Transmittal of a certified copy of S. R. NO. 13-26, entitled, "A Senate Resolution to authorize the certification of a legal question to the Commonwealth Supreme Court, pursuant to Article IV, § 11 of the Commonwealth Constitution, to obtain a judicial determination as to whether Article XX of the Commonwealth Constitution mandates that the Office of Personnel Management be placed within the Civil Service Commission." [For inf.]

SEN. COMM. 13-116: Transmittal of a certified copy of S. R. NO. 13-28, entitled, "A Senate Resolution to Congratulate Governor-Elect Senator Felix Camacho and Lieutenant Governor-Elect Senator Kaleo Moylan of the Territory of Guam." [For inf.]

There was no discussion, and the motion to accept the SEN. COMM. 13-105 thru 13-116 was carried by voice vote.

Speaker Hofschneider: Motion carried. On SEN. COMM. 13-107 and SEN. COMM. 13-113, as you recall, the Tobacco Settlement Expenditure Fund will go to the Governor and because there is a request from the Administration to make some amendments to the bill, the Senate has done its part in considering and recalling the bill from the House and now we need to do likewise. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, pursuant to Section VII (b) of Rule X of the Official Rules of the House, I move that the House accepts the Senate's request to recall H. B. NO. 13-063, CS1 for Senate reconsideration.

The motion was seconded.

Speaker Hofschneider: For clarification, we need to accept the request from the Senate to recall the bill and consistent with that request, now the bill will go to the Senate. The motion to accept Senate request to recall for reconsideration of H. B. NO. 13-063, CS1 reference Tobacco Settlement Expenditure Account has been seconded. Discussion on the motion?

There was no discussion, and the motion to accept the Senate's recall action to H. B. NO. 13-063, CS1 was carried by voice vote.

Speaker Hofschneider: Floor Leader, there are two ways to do this. One, we allow the Senate to offer the amendment of Representative Cabrera, or we can recall the bill now sitting before the Senate and do the amendment appropriately and send it up. Short recess.

The House recessed at 10:48 a.m.

RECESS

The House reconvened at 10:49 a.m.

Speaker Hofschneider: We're back to our session and with no further comments on Senate Communications, we'll go to House Communications.

HOUSE COMMUNICATIONS

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: Mr. Speaker, can we go back to Senate Communications, please?

There was no objection, and the House went back to Senate Communications.

SENATE COMMUNICATIONS

The Chair recognized Representative Torres.

Rep. S. Torres: I'd like the House to join position with the Senate Resolution 13-27. This is in regards to the Fish and Wildlife reserving land in Rota for the Marianas Crow, black birds. If there's no objection, I'd like to maybe sponsor a joint resolution with the Senate.

Speaker Hofschneider: Representative Torres, you have that privilege to introduce a resolution. Since this is just a Senate Resolution, it does not require the House to act. You may also follow suit on the same intent.

Rep. S. Torres: Thank you.

Speaker Hofschneider: Any other comment? House Communications.

HOUSE COMMUNICATIONS

HSE. COMM. 13-31: Vice Speaker Tenorio's trip report for the period of August 25-29, 2002 and for September 6, 2002.

HSE. COMM. 13-32: From Rep. Stanley Torres, re. Mr. Efrain Camacho's letter regarding his interest in acquiring the CNMI's telephone company.

HSE. COMM. 13-33: From Rep. Deleon Guerrero's letter to CDA regarding the CUC/CDA Settlement Agreement.

HSE. COMM. 13-34: From USFA Committee Assistant Liana Hofschneider, re. Rep. William Torres' request for H. B. NO. 13-036 and H. B. NO. 13-38 to be recalled.

HSE. COMM. 13-35: From USFA Committee Assistant Liana Hofschneider, re. Rep. William Torres' request for H. B. NO. 13-137, CS1 to be placed on the House Calendar.

Rep. Babauta: Mr. Speaker?

The Chair recognized Representative Babauta.

Rep. Babauta: Thank you. On HSE. COMM. 13-33, I just want to clarify from the Chair whether or not this is the Committee's position about the outstanding issues relevant to the MOA with CUC and CDA?

The Chair recognized Chairman Deleon Guerrero.

Rep. Deleon Guerrero: No. This is a memo from myself to the Chairman and to the Executive Director not regarding outstanding issues but one outstanding issue.

Speaker Hofschneider: May we have the Chairman enlighten the members as to what the contention is?

Rep. Deleon Guerrero: Certainly, Mr. Speaker. To my understanding, CUC is now threatening not to sign the Memorandum of Agreement with CDA. Originally during their negotiations – between the two parties – they came to an agreement regarding the terms and conditions of the MOA. However, when H. B. NO. 13-106 and H. B. NO. 13-107 got to the Senate for consideration, I believe Senator Reyes raised a concern about the possibility of CUC raising its rates

because of this settlement. I believe it was his concern that CUC should not raise its rates that he requested that this one sentence be put into the Memorandum of Agreement in order for him to support passage of the two bills before the Senate. So, it was included in the Memorandum of Agreement. However, CUC objects to this because the enabling legislation, Public Law 4-47, empowers the Board of CUC to set rates. Of course, they cannot just do it without following procedures. There are procedures that they have to go through. I guess the reason I am raising this is I don't feel that is the appropriate venue for the Senate or any other person for that matter to put it in the MOA. What it would basically mean if it's included in the MOA is it empowers the CUC and CDA to create language to supercede law. If this is the intent of the Senate or the Legislature to ensure that no utility rate hike shall occur until it is authorized by the Legislature then the only proper recourse, in my opinion, is to amend Public Law 4-47. It is not within CUC's power nor CDA to amend law and certainly a Memorandum of Agreement also cannot supercede law. So while the concern is valid or relevant, I just feel that the manner in which they're proposing to do that is not legal nor is it proper and that is the reason I sent this letter to CDA. Thank you.

Speaker Hofschneider: So, Mr. Chairman, what is the status of H. B. NO. 13-106 and H. B. NO. 13-107 before the Governor?

Rep. Deleon Guerrero: Mr. Speaker, I gave the Governor a copy of this letter and I believe he's going to call the two parties together to work out their differences. I believe all of us read that in the news. I asked the Governor to not consider vetoing the bills and give the two parties an opportunity to resolve this matter first.

Speaker Hofschneider: Thank you. Representative Palacios.

Rep. A. Palacios: Thank you, Mr. Speaker. Mr. Speaker, if I understand this situation correctly, we've passed H. B. NO. 13-106 and H. B. NO. 13-107 and we have the two parties. We've sent the legislations to the Governor basically endorsing this Memorandum of Agreement between these two agencies to find out that there really is no finalized MOA to endorse. I wonder if it is appropriate for the House to recall these two legislations before the Governor and wait until CUC and CDA finalizes their MOA, which the House can fully endorse. I'm just basically looking at it – we have the legislations in front of the Governor but we don't have the MOA to which we are endorsing. CUC and CDA are still jockeying as to what language must go into this agreement. It's just a point, Mr. Speaker.

The Chair recognized Representative Babauta.

Rep. Babauta: Thank you, Mr. Speaker, and I thank the Chairman for his eloquent comment. However, I'm still astonished and appalled by mere fact, Mr. Speaker, that while the Thirteenth Legislature and the past Legislatures have continued to work hard in settling these issues, all of a sudden we see a member going against the principles by not endorsing the MOA anymore that is supposedly to have been rectified by H. B. NO. 13-106 and H. B. NO. 13-107. This is bothering my conscience. I was taken for a ride in the hope that things would work out with both agencies and now we're seeing madness in the media by each agency responding to the other with respect to their disagreement in the MOA. So, I wonder where our blessing in H. B. NO. 13-106 and H. B. NO. 13-107 stand right now. I understand clearly that veto is looming on the horizon should this does not materialize. Which is correct? CDA-CUC or CUC-CDA? That's my overall concern because it's going to involve the people of the Commonwealth. Thank you, Mr. Speaker.

Speaker Hofschneider: I hope, Representative Babauta, you are not embarking in criticizing our friends in the media for creating a discombobulated discussion.

Rep. Babauta: No. I'm referring to what have been written down by the media because I just went for a ride in the hope that our distinguished Chairman correctly so has reported out in H. B. NO. 13-106 and H. B. NO. 13-107.

Speaker Hofschneider: Members, this is the very reason why it's very important to be very conscience of your role. As you recall, the reason for the outcome of H. B. NO. 13-106 and H. B. NO. 13-107 is that the Lieutenant Governor came seeking the cooperation of the House to get the two parties together. As you recall, they were in court, and the matter is still in court. Both parties agreed to come in to the Speaker's conference room and iron out their differences. As a result, by being the third party arbitrator in this sense, we have managed to have both entities' cooperation to see eye-to-eye on getting things moving and out of the court. It is very important for us not to be insistent on things that pertain to the two entities' enabling authorities. If we have objections to those negotiations we have the privilege and the authority under the Constitution to take away what we have emplaced through legislations. Insisting on any change that may not be pliable by both parties is an infringement on those two corporations. So, let's all be reminded that the argument is not

before us but a matter to be taken amicably and resolved by the two corporations. Any other comment? Representative Castro.

Rep. Castro: Thank you, Mr. Speaker. If I recall correctly, when we were deliberating on H. B. NO. 13-106 and H. B. NO. 13-107, I believe that, the Chairman, has been assured by both parties that as soon as these two bills are passed that they will endorse the MOA. I don't know what happened.

Speaker Hofschneider: The confusion now is that when it was passed by the House and went up to the Senate, the Senate members insisted in inserting or changing the MOA or MOU, whichever it is, to the point that we have changed the true color of the negotiation on the table between the two entities. When they left the House, they were on good terms. When the bills got to the Senate, the Senate insisted on some changes and that complicated the matter now before the Governor for him to consider those legislations.

The Chair recognized the Floor Leader.

Floor Leader Attao: So what would happened, Mr. Speaker, if the Governor approves H. B. NO. 13-107 and disapproves H. B. NO. 13-106? What would happen to the MOA between the two bills?

Speaker Hofschneider: Basically, you cannot have one without the other. One is for CDA to get into such an agreement and the other one is amending the CUC enabling legislation, I believe PL 4-47. P.L. 4-49 is the CDA enabling law. And both entities have to be authorized to get in to such an agreement to resolve the financial obligation between each other.

Floor Leader Attao: So, if CDA and CUC will not agree to the Agreement, then the bottom line here is that both bills have to be vetoed?

Speaker Hofschneider: It's fair to say in your words, good Floor Leader -- you can't dance a tango with rock and roll music.

The Chair recognized the Floor Leader.

Floor Leader Attao: On HSE. COMM. 13-34 and HSE. COMM. 13-35 these are from the Committee on United States and Foreign Affairs Chairman, Representative William S. Torres requesting for withdrawal of H. B. NO. 13-036, H. B. NO. 13-038 and H. B. NO. 13-137, CS1. Mr. Speaker, during the leadership meeting, we agreed that the Chairman of a respective committee has to agree to any withdrawal from his committee. So, I think this is the appropriate time to ask the Chairman on the Committee on Natural Resources, Representative Palacios on H. B. NO. 13-036 and the Chairman on the Committee on Commerce, Representative Salas on H. B. NO. 13-038 and H. B. NO. 13-137 to at least give us the green light as to whether there's a problem or not to withdraw the bills from the committees.

Rep. W. Torres: Privilege, Mr. Speaker.

Speaker Hofschneider: State your privilege.

Rep. W. Torres: I would like deferral of HSE. COMM. 13-34 and, as agreed upon in the leadership meeting, HSE. COMM. 13-35 will be placed on the calendar. Thank you.

Speaker Hofschneider: Are you withdrawing the request on HSE. COMM. 13-34 communication?

Rep. W. Torres: Yes.

Speaker Hofschneider: Alright. Floor Leader?

Floor Leader Attao: What about HSE. COMM. 13-35? Chairman Salas?

Speaker Hofschneider: That's the official request.

Floor Leader Attao: Official request. So, since we're still on this communication, Mr. Speaker, I'd like to ask Chairman Torres to at least provide the members the committee substitute version of the bill because we don't have a copy.

Speaker Hofschneider: He may offer that when we go down to Bill Calendar.

Floor Leader Attao: Alright.

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: On HSE. COMM. 13-32, I'd just like to call the attention of the members that my submission of the communication from EFC Services is of Commonwealth-wide interest. I hereby ask the members to consider it an official document of the House.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, I was just going to bring up HSE. COMM. 13-32. First of all, I fully support any local ownership if they can purchase Verizon. I think that more local participation in that company is better for us. Although, Mr. Speaker, I hope that by endorsing the resolution that Congressman introduced and asked for unanimous consent ... I haven't seen the copy of the resolution and I'm not really sure I would endorse anything short of giving opportunities to other companies that have in fact submitted a proposal to purchase Verizon and there are local companies. So, with that in mind, Mr. Speaker, if there's no objection, I'd like to request or rather move that this particular communication be referred the Committee on PUTC to look into this matter. Thank you.

Speaker Hofschneider: Thank you.

Rep. S. Torres: Mr. Speaker?

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: The Resolution is numbered H. R. NO. 13-090 the Vice Speaker should have a copy in his material.

Speaker Hofschneider: Correct.

Vice Speaker Tenorio: Mr. Speaker?

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: I had a motion on the floor to defer this communication to PUTC.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: That communication will automatically be referred to the committee anyway.

Vice Speaker Tenorio: With your assurance, Mr. Speaker.

Speaker Hofschneider: This is a communication. It does not require any action on the floor.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

Speaker Hofschneider: On Item 10 on the agenda, Communications from Departments & Agencies. Any comments? Representative Babauta?

Rep. Babauta: Just a short one, Mr. Speaker. It is unfortunate that during the previous Legislature, primarily the Twelfth Legislature, DEPT. & AGENCY COMM. 13-85 did not make it. Although we worked on it, we just didn't have enough time to put together a joint meeting with the Senate. I am hoping that the Thirteenth Legislature and the respective committee chair who will be tasked to oversee such request to have this communication expedited, Mr. Speaker.

Speaker Hofschneider: I will be instructing the Committee on Natural Resources to consider the request and appropriately, if the consensus of the committee agrees, conduct a joint session with the Senate possibly the end of the month or next month.

Rep. Babauta: Thank you, Mr. Speaker.

DEPT. & AGENCY COMM. 13-79 – November 6, 2002 – From Mr. Nace Soalablai, Acting SAPLR, acknowledging receipt of H. R. NO. 13-082, H. R. NO. 13-083, H. R. NO. 13-084, H. R. NO. 13-086, H. R. NO. 13-087, and H. R. NO. 13-088.

DEPT. & AGENCY COMM. 13-80 – November 12, 2002 – From Mr. Nace Soalablai, Acting SAPLR, acknowledging receipt of H. R. NO. 13-085.

DEPT. & AGENCY COMM. 13-81 – October 15, 2002 – From Major Norita re. 2003 CNMI Highway Safety Plan.

DEPT. & AGENCY COMM. 13-82 – October 29, 2002 – From DLNR Secretary Pangelinan re. Misuse of Authority by Custom Officer.

DEPT. & AGENCY COMM. 13-83 – October 29, 2002 – From DNLR Secretary Tom Pangelinan recommending changes to H. B. NO. 13-083, HD1, SD1 (Transfer of Field Operations from MVA to DPR).

DEPT. & AGENCY COMM. 13-84 – October 31, 2002 – From DEQ Director John Castro re. Formation of Interagency Drinking Water/Groundwater Workgroup.

DEPT. & AGENCY COMM. 13-85 – October 31, 2002 – From MPLA Commissioner Bertha Leon Guerrero re C&H Incorporated 15-year lease extension request.

DEPT. & AGENCY COMM. 13-86 – November 5, 2002 – From Public Auditor Mike Sablan providing a copy of Report No. A4-02-04 (Final Audit report on DOLI Tinian Lon Distance Telephone Charges).

DEPT. & AGENCY COMM. 13-87 – November 5, 2002 – From MPLA Commissioner Bertha Leon Guerrero, re. CPA Request for Public Lands situated adjacent to the Port of Saipan.

DEPT. & AGENCY COMM. 13-88 – November 7, 2002 – From OMB Special Assistant Edward Tenorio forwarding for review and consideration, Social Services Block Grant Application.

DEPT. & AGENCY COMM. 13-89 – October 31, 2002 – From Public Auditor Mike Sablan regarding S. J. R. NO. 13-9 report deadline.

OTHER COMMUNICATIONS

MISC. COMM. 13-73 – October 24, 2002 – From Ms. Frances Muña, Administrative Office, S&NIMC, transmitting certified copies of the Council's resolutions: 7SMC-4RS-26, 7SMC-4RS-27, 7SMC-4RS-28, 7SMC-4RS-29, 7SMC-4RS-30, 7SMC-4RS-31, 7SMC-4RS-32, 7SMC-4RS-33, 7SMC-4RS-34, 7SMC-4RS-35, 7SMC-4RS-36, 7SMC-4RS-37, 7SMC-4RS-38, 7SMC-4RS-39, 7SMC-4RS-40, 7SMC-4RS-41, 7SMC-4RS-42, 7SMC-4RS-43, 7SMC-4RS-44, 7SMC-4RS-45, 7SMC-4RS-46, and 7SMC-4RS-47.

MISC. COMM. 13-74 – October 17, 2002 – From Lt. Governor Fran Ulmer, State of Alaska, transmitting a certified copy of House Resolution No. 30: Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

MISC. COMM. 13-75 – October 18, 2002 – From Mr. Paul Henson, US Fish & Wildlife Service regarding proposed designation of critical habitat for endangered species on Guam and the Northern Marianas.

MISC. COMM. 13-76 – October 18, 2002 – From Mr. Rowan Gould, Regional Director, US Fish & Wildlife Service in concerning H. J. R. NO. 13-008 (re. Removal of Tinian monarch from Federal List of Endangered and Threatened Wildlife).

MISC. COMM. 13-77 – October 25, 2002 – From Lt. Governor Fran Ulmer, State of Alaska, transmitting a certified copy of CS for Senate Joint Resolution No. 43, (STA)(TITLE AM): Requesting the United States Congress to grant a two-year moratorium on state maintenance of effort requirements for federally funded programs.

MISC. COMM. 13-78 – November 4, 2002 – From Mr. Tom Cannon, HPMP VP & COO, lifting the suspension of TPA services as of November 1, 2002.

MISC. COMM. 13-79 – November 5, 2002 – From Mayor Benjamin Mangloña regarding Typhoon Chata'an Emergency Fund.

MISC. COMM. 13-80 – November 7, 2002 – From Chairman Herman Guerrero, NMI Museum of History and Culture regarding the appointment of Ms. Mary Margaret Sablan as the Executive Director.

MISC. COMM. 13-81 – November 9, 2002 – From Mr. Robert H. Jones, SEDC Rotating Chairman, re. Meeting with SEDC on 11/26/02 at PIC, 9:00 a.m.

MISC. COMM. 13-82 – November 12, 2002 – From Ms. Carlene Reyes-Tenorio, SCC Executive Director, re. schedule of meetings with SCC.

MISC. COMM. 13-83 – November 18, 2002 – From Mr. Steven Newman, Senate Legal Counsel, re. Typographical error in H. B. NO. 13-107, SD1.

MISC. COMM. 13-84 – October 25, 2002 – Copy of Tinian Local Bill No. 13-1, the "Tinian Municipal Appropriations Act of FY 2003."

Speaker Hofschneider: Misc. Comm. 13-81 is a reminder of the SEDC meeting.

Rep. S. Torres: Mr. Speaker.

The Chair recognized Representative Torres.

Rep. S. Torres: For clarification on the Vice Speaker's request, can we go back to House Communications?

Speaker Hofschneider: If there's no objection, we'll go back to House Communications and briefly so that we'll resolve that.

There was no objection, and the House went back to House Communications.

HOUSE COMMUNICATIONS

Rep. S. Torres: Just to clarify the Vice Speaker's request that H. R. NO. 13-090 be referred to PUTC – I call for an objection on that.

Speaker Hofschneider: Correction, the House Communication is being requested to be referred to the committee.

Vice Speaker Tenorio: Not the resolution.

Rep. S. Torres: Thank you.

The House went down to Item 12.

REPORTS OF STANDING COMMITTEES

S. C. R. NO. 13-047: Reporting on H. B. NO. 13-158, entitled, "To increase the use fee collected under 4 CMC § 1421 to 5% the gross value of merchandise which require the Department of Finance's certification for export from the Commonwealth." *Your Committee on Ways and Means recommends passage of the bill in the form of HD1.*

The Chair recognized the Floor Leader.

Floor Leader Attao moved for the adoption of S. C. R. NO. 13-059, S. C. R. NO. 13-060, S. C. R. NO. 13-061 and S. C. R. NO. 13-062; seconded by Representative Babauta.

S. C. R. NO. 13-059: Reporting on H. B. NO. 13-202, entitled, "To amend 4 CMC § 1402(a)(16) through (20); and for other purposes." *Your Committee on Ways and Means recommends passage of the bill in the form of a substitute.*

S. C. R. NO. 13-060: Reporting on H. B. NO. 13-093, "To amend 4 CMC §§ 1939(a) and 1940, of the Developer Infrastructure Tax Act; and for other purposes." *Your Committee on Ways and Means recommends that the House pass the bill as amended.*

S. C. R. NO. 13-061: Reporting on H. B. NO. 13-179, entitled, "To extend the hours for on-sale and off-sale premises as defined in 4 CMC Division 5; to increase the fees related to the increasing of these premises to help defray additional costs of administration and enforcement thereof." *Your Committee on Ways and Means recommends passage of the bill in the form of a substitute.*

S. C. R. NO. 13-0062: Reporting on H. B. NO. 13-216, entitled, "To establish a Solid Waste Management Revolving Account to provide financial support to Commonwealth Solid Waste Management Systems; and for other purposes." *Your Committee on Natural Resources recommends passage.*

Speaker Hofschneider: Motion for the adoption of S. C. R. NO. 13-059, S. C. R. NO. 13-060, S. C. R. NO. 13-061 and S. C. R. NO. 13-062 has been seconded. Discussion on the motion?

Floor Leader Attao: Mr. Speaker, on S. C. R. NO. 13-062, H. B. NO. 13-216 was just introduced this morning. Is the bill that was introduced this morning a substitute bill?

Speaker Hofschneider: No, it's a totally new bill.

Floor Leader Attao: Totally new bill.

There was no further discussion, and the motion to adopt S. C. R. NO. 13-059, S. C. R. NO. 13-060, S. C. R. NO. 13-061, and S. C. R. NO. 13-062 was carried by voice vote.

Speaker Hofschneider: Motion carried. May we take a few minutes recess and see the students for refreshments. Recess.

The House recessed at 11:08 a.m.

RECESS

The House reconvened at 11:34 a.m.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

Speaker Hofschneider: We're back to our session and we're under Resolution Calendar, Item 15.

Floor Leader Attao: Mr. Speaker, if there's no objection from the members, can we go back to Item 4 so that Representative Ada can introduce his resolution?

Speaker Hofschneider: Any objection?

There being no objection; the House went back to Prefiled and Introduction of Resolutions.

PREFILED AND INTRODUCTION OF RESOLUTIONS

The Chair recognized Representative Ada who introduced the following.

H. R. NO. 13-095: A House Resolution to recognize December 2002 as National Drunk and Drugged Driving (3D) Prevention Month.

Offered by: Rep. Martin B. Ada and seventeen others

Rep. Ada: With your permission and indulgence, Floor Leader and Mr. Speaker, can we please place this on today's calendar for adoption? The reason for this is we have a proclamation presentation by the Governor on November 26, at the multipurpose center. In order to coincide with this, I also invite Mr. Speaker, Vice Speaker, Floor Leader and the members for the presentation of this resolution on Tuesday, November 26, at 1:30 p.m. at the multipurpose center.

The Chair declared a recess at 11:36 a.m.

RECESS

The House reconvened at 11:38 a.m.

RESOLUTION CALENDAR

Speaker Hofschneider: We're back to our session and under Resolution Calendar, I recognize the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, if there's no objection, I move to place H. R. NO. 13-089, H. R. NO. 13-090, H. R. NO. 13-091, H. R. NO. 13-092, H. R. NO. 13-093, H. R. NO. 13-094, H. R. NO. 13-095 and H. J. R. NO. 13-018 on today's calendar.

The motion was seconded.

Speaker Hofschneider: Discussion on the motion?

There was no discussion, and the motion was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the adoption of the following resolutions: H. R. NO. 13-076, H. R. NO. 13-089, H. R. NO. 13-090, H. R. NO. 13-091, H. R. NO. 13-092, H. R. NO. 13-093, H. R. NO. 13-094, H. R. NO. 13-095 and H. J. R. NO. 13-018.

The motion was seconded. There was no discussion, and the motion for the suspension of Rules for the placement of resolutions on the calendar was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the adoption of H. J. R. NO. 13-018.

The motion was seconded.

H. J. R. NO. 13-018: A HOUSE JOINT RESOLUTION TO ENDORSE THE ADMINISTRATION'S EFFORT TO SECURE A PUBLIC DEBT IN AN AMOUNT NOT TO EXCEED \$19,000,000 TO PAY ALL TAX REBATES AND REFUNDS NOW DUE TO THE TAXPAYERS OF THE COMMONWEALTH.

Speaker Hofschneider: The motion for the adoption of H. J. R. NO. 13-018 has been seconded. Discussion on the resolution? Representative Babauta.

Rep. Babauta: Thank you. If I can request for a copy of the AG's – as the resolution states – “well-reasoned opinion.” Do we have such, Mr. Speaker?

Speaker Hofschneider: We do.

Rep. Babauta: Can I get a copy at a later time today?

Speaker Hofschneider: Yes, you may.

Rep. Babauta: Thank you, Mr. Speaker.

Speaker Hofschneider: If there's no objection, I'd like to say a few words about this resolution.

There was no objection.

Speaker Hofschneider: A bit of history takes us back, I believe, 11 years ago. I stand to be corrected, but I believe my memory serves me well. The accounting system of the government was changed 11 years ago and we adopted an accrual system. Since then, the Legislature, and the Administration that followed the change, revamped the tax law to balance a proposed budget then -- I believe during former Governor Froilan Tenorio's Administration. And history has served us well by recalling incidents that happened during that period. In the rush of getting a budget that for the first in the history of the Commonwealth exceeded \$200 million, it was needed to revisit the tax structure. Some of us were serving in that particular Legislature. If you recall that in the rush of getting a budget we had to deal with the tax proposal. The tax proposal that was adopted eventually affected the resources of the Commonwealth. Some of the specifics of that tax structure reduced the rebates and had some sunset provisions for particular taxes on luxury items, for instance, or sin taxes and I believe the sunset provision was effective three years after the passage of that tax proposal that evening. After that three-year sunset provision, it reverted back to the old structure. In that tax proposal too, with one sweep amendment, it obliterated, removed entirely, the administrative provisions under the Department of Finance particularly relating to tax rebates and refunds. Immediately or not too long after the Legislature realized what had happened by creative amendment in the tax proposal that wiped off the administrative provision and the establishment of refund and rebate account or the ability of the Department of Finance to emplace such regulations, it was needed to reestablish the refund and rebate trust account. I believe Representative Reyes, now Senator Reyes, was instrumental in putting back the refund and rebate trust account. Since then, it was always a catch up approach simply because the government had adopted over \$200 million of budgets since that evening beginning, that fiscal year ... and we have not learned how to manage it appropriately. A year after the passage of that budget there was indication that the economy was in a downturn. First, the Asia-Pacific economic problem was getting more pronounced on the subsequent years and it had a direct impact on our economy. Yet, the appropriation governing the operations and expenses of the government never substantially reduced, meaning to say that the level of services and programs funded through the annual appropriation remained the same in spite of factual indications that the economy was sliding downward. Subsequent to that, we had another glitch and that was the accruing deficit as a result of an imbalance management approach in the government's operations. Deficits have accrued over \$70 million 6 years ago and we still are contributing to a growing deficit. Between the level of services that we have embarked since that evening or that day that we passed the new budget exceeding \$200 million for the first in the history of the Commonwealth appropriation for the government's operations, we continue to foster programs and services that we could not substantiate paying for and as a result the priorities of any Administration and any Legislature was never set in the respect that we do not know what long-term consequences were then as we see it today. Some of these consequences are a ballooning liability as an employer with our responsibility with the Northern Marianas Retirement Fund. As we speak, we owe the Northern Marianas Retirement Fund over \$83 million. We have a subsidized government health insurance program and one may argue rightfully so since the government is the employer. On a year-end basis, we owe medical referral centers. It's beginning to be a chronic problem on the basis of credibility of the Commonwealth to live up to its programs and responsibilities when it comes to

medical referrals let alone responsibilities for government employees who have maintained government health insurance with on-island facilities. We also owe a little over \$5 million dollars of past due rebates. I'm talking about 4, 5, 6 years of unpaid rebates. One may argue that rebate is a cream for people who have taken advantage of our laws but nonetheless it is the law. What's more troubling is our inability today to appropriately on time refund those taxpayers who rightfully earned those refunds. We have the responsibility to ensure that these people get their refunds simply because refund is very different from rebate. The government by virtue of its nature taxes people, wage and hourly tax and most cases, people overpay their obligation and as a result the intent of the tax structure is to refund those overpayments. Rebates are not; it's a privilege. Nonetheless it is the law and we have to uphold our responsibility in ensuring that the people owed rebates get their rebates. What is very crucial for us in the House and the Thirteenth Legislature, which the Senate will reciprocate in a positive action or affirmative action in H. J. R. NO. 13-018, is for the first time we're embarking and departing from a crossroad. And if we are not very careful, history would not be so forgiving on us, the Thirteenth Legislature and this Administration. By that I mean one may argue and take the argument and defend it legally in that this government is embarking for the first time in borrowing to pay for its obligations. Legal opinions are a necessity of substantiating an action but until it's resolved in court we will never know if what we're doing is legally sound. This is the first endeavor in the history of the Commonwealth that we have to borrow money to pay for refunds and rebates. We have departed from the crossroad. We're venturing into new uncharted behavior and territory as we govern ourselves. Whether we attribute this action to mistakes or mismanagements of the past or our own failure today is not as substantive as our conscience dictates us to vote in the affirmative on H. J. R. NO. 13-018. It's no longer a matter of whether its constitutional or not, it's a matter of whether we should embark in borrowing for an obligation that we could no longer live up to in spite of the laws that we have put in place. We will get criticized, no doubt, but it is an obligation of this government to live to the responsibility of our citizens particularly taxpayers. It is quite troubling as I sit here and worked for the last week and a half with our Governor and have to author the resolution in conveying an endorsement for such an endeavor. But these are trying times that now as we speak and consider H. J. R. NO. 13-018 you may not come to fully take in and be consciously aware of what we're embarking on. Our neighbor in Guam is a classic example of why the Second Constitutional Convention emplaced such restrictions in our constitution. It was placed by the First ConCon, it was amended by the Second ConCon and that is – the government not permitted to borrow for its normal operations. We may sell it before the courts. We may sell the legal analysis and provide the legal basis sound enough to accomplish borrowing \$19 million to settle those long awaited refunds and rebates. I ask every member to please support the resolution. However troubling it is in my mind and in my heart, it is an obligation. And no one can take credit, because this is not something that we ought to be proud of – borrowing, committing our sons and daughters of tomorrow. And in the gesture of cooperation, we will not rest with an adoption H. J. R. NO. 13-018, but we'll even go further in working with the Administration to downsize government effectively. We cannot afford to borrow \$19 million and tell ourselves it's business as usual. We cannot afford that in good conscience. We need to help the Governor find the right mix, find the right objectives. We all take the credit; we all take the blame. The blame game has to stop. This is going into the fourth dimension so to speak. We're setting precedence and that we may never get ourselves out this hole that we have dug ourselves into. With that, I ask the members to please come on board and support the House Joint Resolution. With permission on the floor, I'd like to add a word before we vote. On page 1, line 18 after the word "Constitution" insert "which"; on page 2, line 3 after the word "by" insert the word "pledging" and on line 4 delete the word "continuing." Did you all get that? On page 1, line 18 after the word "Constitution" insert "which" on page 2, line 3 after the word "by" insert the word "pledging" and on line 4 delete the word "continuing." Any second to that?

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: With that, an oral floor amendment has been seconded. Discussion? I recognize Representative Torres.

Rep. W. Torres: I'd like to add several things, but let's dispose of that motion.

Speaker Hofschneider: Alright. Ready?

Several members voiced, "ready."

There was no discussion, and the motion to amend H. J. R. NO. 13-018 as offered by Speaker Hofschneider was carried by voice vote.

Speaker Hofschneider: Motion carried. I recognize Representative Torres.

Rep. W. Torres: Thank you, Mr. Speaker. This is a very, very important joint resolution and for that reason, Mr. Speaker, if there's no objection, I'd like to add, the Office of the Public Auditor, Mr. Mike Sablan and the Attorney General's Office, particularly Ramona V. Manglona, to the list on page 2, line 26.

Rep. Babauta: Is there a potential liability?

Rep. W. Torres: Almost.

The motion was seconded and there being no discussion, the motion to amend H. J. R. NO. 13-018 offered by Representative Torres was carried by voice vote.

Speaker Hofschneider: Motion carried. Representative Babauta.

Rep. Babauta: Point of information, Mr. Speaker, if the Chair has any idea -- has the Administration identified any source of lending institution? Is it through a bank?

Speaker Hofschneider: For the information of the members, this is conveying an endorsement in the Administration's endeavor to start discussing whether it be private banks or within the government. We leave it to the Administration to find the best venue.

Rep. Babauta: So there's no identified source yet?

Speaker Hofschneider: None, yet.

Rep. Babauta: Okay. Thank you, Mr. Speaker.

The Chair recognized Representative Deleon Guerrero.

Rep. Deleon Guerrero: Mr. Speaker, first of all, thank you for clarifying that. Secondly, I want to ask whether the method of repayment has been identified?

Speaker Hofschneider: Your question is the same as Representative Babauta's and the answer is still the same. Any other? Representative Ada.

Rep. Ada: If I'm not mistaken when it comes to borrowing funds on behalf of the government it will be CDA's job to find the method and who should be responsible for repayment. Thank you.

Speaker Hofschneider: Ready?

Several members voiced, "ready."

Speaker Hofschneider: I would prefer a roll call and ask a minimum of 2/3 votes on this even though it's not required. I would sleep better if we have 2/3 votes. Clerk, roll call.

The roll called on the motion to adopt H. J. R. NO. 13-018, HD2 is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	excused
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes

Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With more than a minimum of 2/3 votes, H. J. R. NO. 13-018, HD2 is hereby adopted by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the adoption of H. R. NO. 13-076, H. R. NO. 13-089, H. R. NO. 13-090, H. R. NO. 13-091, H. R. NO. 13-092, H. R. NO. 13-093, H. R. NO. 13-094, H. R. NO. 13-095.

The motion was seconded.

H. R. NO. 13-076: A HOUSE RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES, 13TH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE, RELATIVE TO THE UNFUNDED MATCHING REQUIREMENT ON CAPITAL IMPROVEMENT PROGRAMS NOT ORIGINALLY DELINEATED PURSUANT TO ARTICLE VII, SECTION 701 OF U.S. PUBLIC LAW 94-241, CONVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA.

H. R. NO. 13-089: A HOUSE RESOLUTION TO EXTEND A SINCERE AND HEARTFELT GRATITUDE AND CONGRATULATION TO MR. CRAIG H. GARRISON, VICE PRINCIPAL, SAIPAN SOUTHERN HIGH SCHOOL, FOR HIS HEROIC ACT THAT PREVENTED DEATH FROM DROWNING OF A ONE (1) YEAR OLD BOY AT BEACH SIDE AREA, SAN ANTONIO, SAIPAN.

H. R. NO. 13-090: TO SUPPORT THE PURCHASE OF VERIZON MICRONESIA BY A LOCALLY-OWNED AND OPERATED BUSINESS CONSORTIUM; AND FOR OTHER PURPOSES.

H. R. NO. 13-091: A HOUSE RESOLUTION TO EXPRESS A SINCERE AND HEARTFELT CONGRATULATION TO SENATORS FELIX P. CAMACHO AND KALEO S. MOYLAN FOR SUCCESSFULLY WINNING THE GUAM GUBERNATORIAL AND LIEUTENANT GUBERNATORIAL ELECTION HELD ON TUESDAY, NOVEMBER 5, 2002 AND WISHING THEM WELL DURING THEIR TERM OF OFFICE.

H. R. NO. 13-092: A HOUSE RESOLUTION TO EXPRESS A SINCERE AND HEARTFELT CONGRATULATION TO THE HONORABLE MADELEINE Z. BORDALLO FOR SUCCESSFULLY BEING ELECTED AS GUAM'S DELEGATE TO THE UNITED STATES CONGRESS AND WISHING HER WELL DURING HER TERM OF OFFICE.

H. R. NO. 13-093: A HOUSE RESOLUTION TO EXPRESS SINCERE APPRECIATION TO HONORABLE LUIS DLG. CASTRO FOR HIS OUTSTANDING LEADERSHIP, COMMITMENT AND DEDICATION DURING HIS TENURE AS VICE SPEAKER AND SPEAKER OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS YOUTH CONGRESS.

H. R. NO. 13-094: A HOUSE RESOLUTION TO RE-ALLOCATE FUNDS, IN THE AMOUNT OF \$500,000.00 FROM THE TRANSPORTATION IMPROVEMENT PLAN FY 2003, TO FUND THE NECESSARY IMPROVEMENTS OF THE PEDESTRIAN CROSSWALKS BY ADDING WARNING FLASHERS (BEACONS) FOR ONCOMING TRAFFIC.

H. R. NO. 13-095: A HOUSE RESOLUTION TO RECOGNIZE DECEMBER 2002 AS NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH.

Speaker Hofschneider: The motion for the adoption of the following house resolutions: H. R. NO. 13-076, H. R. NO. 13-089, H. R. NO. 13-090, H. R. NO. 13-091, H. R. NO. 13-092, H. R. NO. 13-093, H. R. NO. 13-094, H. R. NO. 13-095 has been seconded. Discussion on the motion?

Several members voiced, "ready."

Speaker Hofschneider: I believe, Representative Torres, you have an amendment to offer.

Rep. W. Torres: Mr. Speaker, I'd like to offer a subsidiary motion to substitute H. R. NO. 13-076.

Speaker Hofschneider: Any second?

The motion was seconded.

Speaker Hofschneider: A substitute to H. R. NO. 13-076 as offered by Representative William Torres has been seconded.

Rep. Babauta: Do we have copies?

Rep. W. Torres: Copies have already been distributed. Mr. Speaker, further, if I may?

Speaker Hofschneider: Yes, you may.

Speaker Hofschneider: I would like this resolution to be a Committee of the Whole Resolution.

There was no objection.

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

Speaker Hofschneider: State your point.

Rep. Babauta: Thank you. I understand Chairman Torres indicated there are copies. Is that the same copy as it appears on the calendar?

Floor Leader Attao: No.

The Chair declared a short recess at 12:06 a.m.

RECESS

The House reconvened at 12:07 a.m.

Speaker Hofschneider: We're back to our session and Representative Torres, you still have the floor.

Rep. W. Torres: (Microphone off -- inaudible)

Rep. Babauta: Ready for the question on the substitute.

Speaker Hofschneider: A substitute to H. R. NO. 13-076 that's been offered by Representative Torres has been seconded. Ready for the question?

Several members voiced, "ready."

There was no further discussion, and the motion to adopt H. R. NO. 13-076, HS1 was carried by voice vote.

Speaker Hofschneider: H. R. NO. 13-076, as substituted, is hereby adopted by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, on the second page of H. R. NO. 13-090 relative to the purchase of Verizon Micronesia by E.F. Camacho, my first question is on the BE IT RESOLVED clause. Did EFC submit a bid on the purchase of Verizon? That question goes to the author. Second question is, is this illegal to do in the midst of the process of the bid? That question goes to the legal counsels.

Speaker Hofschneider: Will the author take a crack at the question? Representative Torres?

Rep. S. Torres: Mr. Speaker, I believe the question from the Floor Leader has no bearing. This is a resolution requesting the FCC and CTC to reconsider because the bid is still pending before the FCC for question of honesty and

trustworthiness of the international entity. What we're asking is "to reject" and let it instruct Verizon to open the bid for local investors.

Floor Leader Attao: Mr. Speaker, can we hear from the legal counsel.

The Chair declared a short recess at 12:11 p.m.

RECESS

The House reconvened at 12:19 p.m.

Speaker Hofschneider: We're back to our session and under discussion, the Floor Leader, has the floor.

Floor Leader Attao: Thank you, Mr. Speaker. Subsidiary motion to refer H. R. NO. 13-090 to the Committee on Public Utilities, Transportation and Communications for further review.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: Motion to refer H. R. NO. 13-090 to the Committee on Public Utilities, Transportation and Communications has been seconded. Discussion on the motion?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to refer H. R. NO. 13-090 to the Committee on Public Utilities, Transportation and Communications is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	no
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	no
Rep. William S. Torres	abstained
Rep. Heinz S. Hofschneider	no

Speaker Hofschneider: H. R. NO. 13-090 is hereby referred to the Committee on Public Utilities, Transportation and Communications. Floor Leader.

Floor Leader Attao: We're now ready for the adoption of the main motion.

Speaker Hofschneider: Discussion on any of the resolutions? Representative Babauta?

Rep. Babauta: Thank you. On H. R. NO. 13-094, Mr. Speaker, I understand that the author wanted to reprogram half a million dollars from Precinct 3 and Precinct 4 to fund the hazard elimination project. Can I clarify with the author, Mr. Speaker, where the money is coming from? Is it coming from fiscal year 2003 Improvement Plan?

Speaker Hofschneider: I believe it's from the Transportation Improvement Plan from Precinct 2. Vice Speaker, you may clarify that.

Vice Speaker Tenorio: Thank you, Mr. Speaker. Mr. Speaker, this is for island-wide improvement on the crosswalk signs and flashers, which we are lacking today. For your information, Congressman Babauta, I've cleared this with the most astute member of the Legislature when it comes to funding and he agrees with me that this is an important project that needs to be done. For safety reasons we have to upgrade the crosswalks. There are no signs and you don't know, especially when you're traveling at night, whether you're approaching a crosswalk or not. There have been several incidents where people are fatally injured.

Speaker Hofschneider: Vice Speaker, the question is where the money is coming from.

Vice Speaker Tenorio: The money is coming from the Transportation Improvement Plan, Mr. Speaker. It's right here, the Hazard Elimination Project. This is from the federal highway project. So, it's just re-allocating the funds and putting it into specific usage.

Speaker Hofschneider: Okay. Thank you.

Rep. Babauta: Thank you.

The Chair recognized Representative Babauta.

Rep. Babauta: I yield, Mr. Speaker.

The Chair recognized Representative Ada.

Rep. Ada: Would this include the schools around Saipan? I introduced a local bill on January 16, 2002 asking for funding. I think the bill, has been lost by the committee, or there's no action on it up to this time, it's almost December. It's called the solar flashers for school zones throughout Saipan.

Vice Speaker Tenorio: Can I respond to that?

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Thank you, Mr. Speaker. Thank you for your concern, Congressman. No, it doesn't take away – I understand you have a local bill on this particular issue but this is not for the schools. That's a different appropriation altogether.

Rep. Ada: You're talking about primary highways?

Vice Speaker Tenorio: Yes, primary highways.

Speaker Hofschneider: Ready?

Several members voiced, "ready."

There was no further discussion, and the motion to adopt H. R. NO. 13-076, HS1, H. R. NO. 13-089, H. R. NO. 13-091, H. R. NO. 13-092, H. R. NO. 13-093, H. R. NO. 13-094 and H. R. NO. 13-095 was carried by voice vote.

Speaker Hofschneider: H. R. NO. 13-076, HS1, H. R. NO. 13-089, H. R. NO. 13-091, H. R. NO. 13-092, H. R. NO. 13-093, H. R. NO. 13-094 and H. R. NO. 13-095 are hereby adopted by the House. We'll take a recess for lunch and return at 1:30 p.m. Recess.

The House recessed at 12:25 p.m.

RECESS

The House reconvened at 2:21 p.m.

BILL CALENDAR

Speaker Hofschneider: We're back to our session and we're under the Bill Calendar. I recognize the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, pursuant to Section 7(c) of Rule X, I move to withdraw the following bills from the committees: H. B. NO. 13-137 from the Committee on Commerce, H. B. NO. 13-182 from the Committee on Tourism, H. B. NO. 13-206 from the Committee on Ways and Means, H. B. NO. 13-207 from the Committee on Ways and Means, H. B. NO. 13-208 from the Committee on Judiciary & Governmental Operations, H. B. NO. 13-210 from the Committee on Ways and Means, S. B. NO. 13-57 from the Committee on Judiciary & Governmental Operations and S. B. NO. 13-78 from the Committee on Health and Welfare. Those are the bills that will be withdrawn from the committee.

Speaker Hofschneider: What about H. B. NO. 13-219?

Floor Leader Attao: H. B. NO. 13-219 is to be placed on the calendar because it was introduced this morning.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: The motion to withdraw H. B. NO. 13-137, H. B. NO. 13-182, H. B. NO. 13-206, H. B. NO. 13-207, H. B. NO. 13-208, H. B. NO. 13-210, S. B. NO. 13-57, and S. B. NO. 13-78 from the committees has been seconded. Discussion on the motion?

Rep. Babauta voiced, "ready."

The Chair recognized the Floor Leader.

Floor Leader Attao: Point of correction. S. B. NO. 13-78, was officially assigned to the Committee on Judiciary & Governmental Operations, so make correction to that.

Speaker Hofschneider: Discussion on the motion? Representative Deleon Guerrero.

Rep. Deleon Guerrero: Mr. Speaker, I don't know if it's appropriate for me to make a request.

Speaker Hofschneider: It is appropriate.

Rep. Deleon Guerrero: If there's no objection from the Chairman of the Committee on Ways and Means and the members can we also recall H. B. NO. 13-033?

There was no objection.

Floor Leader Attao: Is that the 2.5% ... the Verizon?

Rep. S. Torres: Is that a motion?

Rep. Deleon Guerrero: Yes, it's a motion.

The motion was seconded.

Speaker Hofschneider: In the form of subsidiary to the main motion, the motion on the floor is to withdraw from the committee and to place H. B. NO. 13-033 on the calendar and it has been seconded. Discussion on the subsidiary motion offered by Representative Deleon Guerrero?

Several members voiced, "ready."

There was no discussion, and the motion was carried by voice vote.

Speaker Hofschneider: Motion carried. H. B. NO. 13-033 is hereby placed on the calendar. Ready for the main motion on the enumerated bills for withdrawal from the committees?

There was no discussion, and the motion to withdraw H. B. NO. 13-137, H. B. NO. 13-182, H. B. NO. 13-206, H. B. NO. 13-207, H. B. NO. 13-208, H. B. NO. 13-210, S. B. NO. 13-57 and S. B. NO. 13-78 from the committees was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the placement of the following bills on the calendar. H. B. NO. 13-033, H. B. NO. 13-093, H. B. NO. 13-137, H. B. NO. 13-179, H. B. NO. 13-182, H. B. NO. 13-202, H. B. NO. 13-206, H. B. NO. 13-207, H. B. NO. 13-208, H. B. NO. 13-210, H. B. NO. 13-216, H. B. NO. 13-219, H. B. NO. 13-220, H. B. NO. 13-222, S. B. NO. 13-57 and S. B. NO. 13-78.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader. Does everyone have copies of the recalled bills from the committees? Short recess.

The House recessed at 2:29 p.m.

RECESS

The House reconvened at 2:51 p.m.

Speaker Hofschneider: We're back to our session and I recognize the Floor Leader.

Floor Leader Attao: Mr. Speaker, I would like make a motion to place H. B. NO. 13-221 on today's calendar.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: Motion to include H. B. NO. 13-221 on today's calendar for First and Final Reading has been seconded. Discussion on the motion?

There was no discussion, and the motion to include H. B. NO. 13-221 on calendar was carried by voice vote.

Speaker Hofschneider: Motion carried. H. B. NO.13-221 is hereby placed on the calendar for First and Final Reading. Floor Leader.

Floor Leader Attao: Mr. Speaker, I move for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the passage of H. B. NO. 13-033, H. B. NO. 13-093, H. B. NO. 13-137, H. B. NO. 13-179, H. B. NO. 13-182, H. B. NO. 13-202, H. B. NO. 13-206, H. B. NO. 13-207, H. B. NO. 13-208, H. B. NO. 13-210, H. B. NO. 13-216, H. B. NO. 13-219, H. B. NO. 13-220, H. B. NO. 13-221, H. B. NO. 13-222, S. B. NO. 13-57 and S. B. NO. 13-78 on First and Final Reading.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move for the passage of H. B. NO. 13-216 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-216: A BILL FOR AN ACT TO ESTABLISH A SOLID WASTE MANAGEMENT REVOLVING ACCOUNT TO PROVIDE FINANCIAL SUPPORT TO COMMONWEALTH SOLID WASTE MANAGEMENT SYSTEMS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading H. B. NO. 13-216 reference to S. C. R. NO. 13-062. This is to establish a Solid Waste Management Revolving Account to provide financial support to the

Commonwealth Solid Waste Management System; and for other purposes. Discussion on the bill is open. Representative Palacios, you may take the lead.

Rep. A. Palacios: Thank you, Mr. Speaker. Mr. Speaker, H. B. NO. 13-216 is to establish a Solid Waste Management Revolving Account to provide financial support to the Commonwealth Solid Waste Management System; and for other purposes. The purpose of H. B. NO. 13-216, Mr. Speaker, is two-fold. One is to provide financial assurance for the funding of the Solid Waste Management System, particularly, the Saipan landfill. Second is to impose a .42% tax on the value of certain products imported into the CNMI. Mr. Speaker, if you and the members may recall, we passed H. B. NO. 13-171, which is the Beautification Tax. Subsequently, this bill was vetoed by the Governor. Further, H. B. NO. 13-171 was supposed to generate \$3.06 million, which was supposed to fund the landfill and the transfer station on Saipan and operations of our Solid Waste System. With that, Mr. Speaker, I'd like to make a point. When we passed H. B. NO. 13-171 it was part of the overall spending package or overall revenue package of the CNMI budget. I'd like to further point out that with the veto of H. B. NO. 13-171 we, as of today, still have an unbalance budget. H. B. NO. 13-216 in essence and in effect, Mr. Speaker, will also rectify this predicament. For over twelve to fourteen years the Commonwealth has struggled to close Puerto Rico dump. In short, Mr. Speaker, and in summary we have four Administrations that have tried, attempted and put numerous hours of efforts in trying to do so and have expended a substantial amount of funds to build a landfill, which will basically replace and subsequently see the closure of Puerto Rico dump. As an individual that grew up and lived in Precinct 3, particularly in Garapan, this issue of Puerto Rico dump has been ongoing for over twenty years. Remember that it was the one eye sore that stood out in the whole Commonwealth. Our tourism industry has complained and our schools have been closed because of numerous fires that have occurred at this dumpsite. Through the untiring efforts of many Administrations we have now come to a threshold where we are ready to open a landfill that meets EPA standards and a landfill that meets our own environmental standards. The purpose of H. B. NO. 13-216 is basically to fund the operations of the landfill and the transfer station which most of us, if not all of us, were privileged to see open two or three weeks ago. The cost of operating an integrated Solid Waste System in the Commonwealth is approximately \$3.06 million. The imposition of .42% on excise items will generate approximately \$2.5 million. The remaining is anticipated to be covered by the existing tipping fee, which our Solid Waste Division have already emplaced very recently. I stand here, Mr. Speaker and members of the House, to appeal to all of you to support this legislation. It would be a travesty and irresponsible, I believe on our part, to have come this far, spending a lot of monumental efforts and close to \$21 million of CIP money to construct a sanitary landfill and a first class transfer station and not be able to fund the operation. With that, Mr. Speaker, I shall return to my seat and entertain any inquiries from any member of the House.

Speaker Hofschneider: Representative Palacios, is the bill that is before us fully supported by the Administration so that it eliminates the possibility or chance of being vetoed again?

Rep. A. Palacios: Mr. Speaker, yes it does and I refer you and the members to Attachment C of S. C. R. NO. 13-060. At your instruction, Mr. Speaker, I sat down with our legal counsel, the counsel for the Administration and some of the senior staff in coming up with this legislation. So yes, Mr. Speaker, this legislation is a product of cooperative efforts between the Administration and the House of Representatives as per your assignment.

Speaker Hofschneider: Thank you. Ready? Floor Leader.

Floor Leader Attao: Mr. Speaker, since this is a tax increase on the excise tax, I would like to ask the Chairman on the Committee on Ways and Means to at least give us the thorough accounts receivable for CNMI.

Speaker Hofschneider: What is the connection?

Floor Leader Attao: I just want to find out how much receivables do we have with vendors or individuals so that I can weigh my position on this, because raising taxes, Mr. Speaker, is one of my concerns. If we are to raise taxes, I want to make sure that the receivables are down. If the receivables are up, Mr. Speaker, even if we raise the tax to 10% it still won't be enough. My point is, Mr. Speaker, to know how much receivables we have so that we can help the Administration enforce the collection so that we will not raise any tax in future. Maybe the Committee on Ways and Means can enlighten us as to how much receivables we have from the revenue side, the hospital, the Department of Finance and ...

Speaker Hofschneider: Thank you. Ready for the question?

Floor Leader Attao: No, Mr. Speaker.

Speaker Hofschneider: Chairman on the Committee on Ways and Means, do you have a response to the Floor Leader's question?

Rep. S. Torres: Had he told me this one-hour ago, I would probably come up with a draft, but right now I don't have it.

Speaker Hofschneider: Floor Leader, you still have the floor.

Floor Leader Attao: Second question, Mr. Speaker, do we have a Solid Waste Management Plan?

The Chair recognized Representative Arnold Palacios.

Rep. A. Palacios: Yes, Mr. Speaker. I posed the same question to the Division of Solid Waste Management System and they do have a plan. Today they relocated to the new facility in Lower Base and that is the transfer station, which does recycling and basically shifting through some of the trash and from there it is taken to presently Puerto Rico dump. The timetable, Mr. Speaker, for the operations for the new landfill in Marpi is in mid-January. Yes, the Solid Waste Management Office indicated that they will and they do have plans to operate this facility. In essence before it's even operational, the facility has to meet certain standards and the operations has to be permitted by DEQ and approved by EPA. So I'm very comfortable, Mr. Speaker, that our Solid Waste Management Office will operate this under the standards required by law.

Speaker Hofschneider: In short, we do have a Solid Waste Management Plan?

Rep. A. Palacios: Yes. Basically that's why, Mr. Speaker, they are requesting for funding.

The Chair recognized the Floor Leader.

Floor Leader Attao: One other thing, Mr. Speaker. On the operations side, I would like to find out if \$1.7 million is sufficient to operate the landfill?

Speaker Hofschneider: Where is the \$1.7 million coming from?

Floor Leader Attao: This is on the budget submission for FY 2003.

Speaker Hofschneider: What page?

Floor Leader Attao: I'm sorry, Attachment B of the committee report.

Speaker Hofschneider: \$1.757 million? That's on the operation side. You add personnel, it's \$2.7 million.

Floor Leader Attao: The second question, Mr. Speaker, is on the 31 FTE's. Are these FTE's dedicated specifically for the Solid Waste Management Division or is it only numbers?

The Chair recognized Representative Palacios.

Rep. A. Palacios: I believe so, Mr. Speaker. As it stands now, the Solid Waste Management Division is operating the Puerto Rico dump, the transfer station, which includes the administrative staffs.

Speaker Hofschneider: In other words, do we have 31 on board?

Rep. A. Palacios: Yes.

Speaker Hofschneider: We do. Floor Leader.

Rep. A. Palacios: Further, if I may, on the funding?

Speaker Hofschneider: You may.

Rep. A. Palacios: The operation, Mr. Speaker, is \$3.7 million as it is indicated in the budget but there is a critical requirement of a financial assurance to operate the landfill. The financial assurance of \$400,000 to \$450,000 a year must

be set aside as financial assurance to get your operations permit from DEQ and EPA. That's why the requirement is about \$3.06 million as of today.

The Chair recognized the Floor Leader.

Floor Leader Attao: Mr. Speaker, this is relative to the tipping fee. Is this a double taxation if we are to consider passing the Beautification Tax bill?

Speaker Hofschneider: Not necessarily. The .042% beautification tax is imposed at the port of entry on all goods coming into the Commonwealth. The tipping fee is another set of fees imposed for the public to provide a proper disposal facility. And it costs money to operate that facility. So one may take the view that at the port of entry these disposable items after being used are again being charged a tipping fee, but for the same reason that excise taxes are imposed on most goods, construction materials, tires, lead, acid, batteries that goes into those facilities are taxed or imposed a fee to dispose your garbage or refuse then one may take that view. On a practical side, I think that it's irrelevant in the discussion on the Beautification Tax bill being proposed by the Representative.

Floor Leader Attao: That's all, Mr. Speaker.

Speaker Hofschneider: Thank you. Representative Aldan.

Rep. Aldan: Mr. Speaker, I understand that the tipping fee will be collecting about \$1.4 million a year and this bill will generate about \$3 million. That's going to be about \$4.4 million a year. You only need about \$3.8 million to operate this solid waste system. What's going to happen to the surplus of the money?

Rep. A. Palacios: The tipping fee is going to generate about \$500,000.

Speaker Hofschneider: If you look at the page before the last on Exhibit B where it's broken down into three sections, it has the projected tax impact of all collections of \$2.538. Then the estimated tipping for FY 2003 is a little over half a million and collectively the two will be \$3.060. Ready?

The Chair recognized Representative Babauta.

Rep. Babauta: Thank you. Same as my previous stance, Mr. Speaker, with respect to tax increases. I applaud the Chairman's effort with coming up with a better legislation this time than the first one. But I continue to feel that some of the provisions here ... one thing I note, Mr. Speaker, is on the committee report versus the collection on tipping fees. I understand there is a rationale of a little over \$300,000 as declared by the Administration during their resources submission for FY 2003 budget. The original figure was showing \$226. Is there a slight change in the resources that we do not know since we passed the budget?

Speaker Hofschneider: The tipping fee has gone up.

Rep. Babauta: So there is a slight increase then?

Rep. A. Palacios: Right. As of today, Mr. Speaker, my answer to Representative Babauta is the tipping has gone from \$15 a ton to \$35. The latest figure that we got from Solid Waste Management Division is that they are estimating close to \$552,000. We've gone back and forth with this with the Governor's Task Force on Solid Waste and even with the Director of the Solid Waste Management Division, and this is the latest projective figure – \$522,000 would be generated.

Rep. Babauta: Mr. Speaker, may I?

At this time, the Chair declared a short recess at 3:13 p.m.

RECESS

The House reconvened at 3:14 p.m.

Speaker Hofschneider: We're back to our session and, Representative Babauta, are you satisfied? Continue?

Rep. Babauta: Again, I would like to clarify, Mr. Speaker, from any of the committee members. On page 5 of the bill on Section 6, subsection (g), I fail to understand why the entire items such as foodstuffs and medicine for sale or otherwise are excluded. Is this inclusive of wholesalers that are importing, Mr. Speaker?

Speaker Hofschneider: Yes. As you may recall our contention or our position from the last action or exercise that we sent over on the first beautification tax bill is the insistence of the members to exclude those that are quite critical for the consumers and that is the rationale behind that.

Rep. Babauta: For personal consumption?

Speaker Hofschneider: For personal consumption there is an exemption as it stands in the book and now further clarifying the language that you just read are all inclusive.

Rep. Babauta: And this would include for sale also ... excluded?

Speaker Hofschneider: Yes.

Rep. Babauta: Mr. Chairman, how do we treat fuel products in this bill?

Speaker Hofschneider: Could you rephrase your question again to the Chairman?

Rep. Babauta: How do we treat fuel commodities?

Speaker Hofschneider: Fuel?

Rep. Babauta: Yes.

Speaker Hofschneider: Gasoline, diesel, they are all inclusive.

Rep. Babauta: Thank you, Mr. Speaker.

Speaker Hofschneider: With the exception of that noted difference on food and medicine. Ready? Representative Torres.

Rep. S. Torres: Mr. Speaker, this is regarding the Floor Leader's question about the accounts receivable, it's about \$110 million and \$60 million uncollectable.

Speaker Hofschneider: May I ask you to look into that matter more specifically and report back to the entire membership as to why and what attributes the \$60 million uncollectable. Ready?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-216 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	abstained
Rep. Oscar M. Babauta	no
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused

Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 12 affirmative, H. B. NO. 13-216 is passes the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-222 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-222: A BILL FOR AN ACT TO REPEAL PUBLIC LAW 11-17 IN ITS ENTIRETY.

Speaker Hofschneider: The motion for the passage on First and Final Reading H. B. NO. 13-222 has been seconded. Discussion on the motion?

Rep. Babauta voiced, “ready.”

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-222 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes

Vice Speaker Tenorio: Can I just ask, Mr. Speaker, what is Public Law 11-17?

Speaker Hofschneider: This is the previous law that authorizes the Delegation of Tinian to concurrently appropriate revenues generated from the Casino Act in the initiative. As a result of the recent line item veto by the Governor, inconsistent with the initiative, the Delegation from Tinian, the Municipal Council have advised that they would rather work consistently with what the initiative is calling for – a concurrent approval with such revenue for appropriations.

Vice Speaker Tenorio: Thank you.

Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 14-0, H. B. NO. 13-222 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-219 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-219: A BILL FOR AN ACT TO AMEND 4 CMC, DIVISION 8, CHAPTER 1 § 8122; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage on First and Final Reading H. B. NO. 13-219 has been seconded. Discussion on the bill? This is clarifying the responsibility on the Commonwealth Utilities Corporation to manage and operate all public wells particularly in the Public School System. Ready?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-219 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 14-0, H. B. NO. 13-219 is hereby passed by the House on First and Final Reading. Floor Leader, H. B. NO. 13-220.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-220 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-220: A BILL FOR AN ACT TO AMEND SECTIONS 3, 4 AND 5 OF PL 13-17, AS AMENDED BY PL 13-25; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage on First and Final Reading H. B. NO. 13-220 has been seconded. Discussion on the bill? Floor Leader?

Floor Leader Attao: Mr. Speaker, I have a written floor amendment and copies have been distributed. Mr. Speaker, the purpose of this bill is to amend Sections 3, 4 and 5 of PL 13-17, as amended by PL 13-25 to clarify existing language that the Marianas Public Lands Authority in conjunction with the Commonwealth Development Authority and in fulfilling its statutory mandate may arrange for interim financing of the public debts to fund the retirement of land compensation claims against the Commonwealth. So this is just to include the interim financing so that CDA and MPLA can borrow money from a commercial bank.

Speaker Hofschneider: Is that motion on the floor for the written floor amendment?

Floor Leader Attao: Yes, Mr. Speaker.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: A written floor amendment offered by the Floor Leader has been seconded. Discussion on the floor amendment? Representative William Torres?

Rep. W. Torres: Thank you, Mr. Speaker. I'm just curious, Mr. Speaker, and perhaps the author may want to respond to this. Typically, we have a ten-year retirement of public debt and this is calling for thirty years. Am I correct on that?

Floor Leader Attao: For the bond?

Rep. W. Torres: Yes.

Floor Leader Attao: No, we can go up to twenty or thirty years.

Rep. W. Torres: But, typically our average retirement of debt is ten years and this will extend it.

Floor Leader Attao: About fifteen years.

Rep. W. Torres: Fifteen years. Thank you.

Rep. Babauta voiced, "ready."

Speaker Hofschneider: Since this is a borrowing endeavor, I'd like to make sure that we have 2/3 votes. So on the floor amendment, Clerk, roll call.

The roll called on the motion to pass the written floor amendment offered by the Floor Leader is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With more than the 2/3 votes required, the floor amendment offered by the Floor Leader hereby passes the House. We're back to H. B. NO. 13-220 as amended. Ready?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-220, HD1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes

Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 14-0, more than the 2/3 votes required for public indebtedness, H. B. NO. 13-220, HD1 is hereby passed on First and Final Reading by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-182 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-182: A BILL FOR AN ACT TO AMEND 4 CMC § 2124 (m) TO EXPAND EXPENDITURE AUTHORITY FOR THE MARIANAS VISITORS AUTHORITY FOR PROMOTIONAL EXPENSES; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage of H. B. NO. 13-182 on First and Final Reading has been seconded. Discussion?

Floor Leader Attao: I have a written floor amendment, Mr. Speaker. May I ask the members to take a look at the floor amendment I offered on H. B. NO. 13-182.

The Chair declared a short recess at 3:30 p.m.

RECESS

The House reconvened at 3:33 p.m.

Speaker Hofschneider: We're back to our session and I recognize the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, the floor amendment on H. B. NO. 13-182 is: One, the title is revised as follows: To amend 4 CMC 2124 (m) to clarify the expenditure authority for Marianas Visitors Authority to include promotional expenses; and for other purposes. Two, on page 1, line 10 the word "the" after the word "requires" is deleted and the phrase "clarification of its" is inserted. Three, on page 1, line 14 thru 15 the text is revised as follows: "(m) Expend appropriated funds as provided for the operation of MVA including promotional activities." Signed JTA.

The motion was seconded; there was no discussion, and the motion was carried by voice vote.

Speaker Hofschneider: The floor amendment is hereby adopted by the House. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-182, HD1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused

Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: Thank you. By a vote of 14-0, H. B. NO. 13-182 as amended is hereby passed by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-210 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-210: A BILL FOR AN ACT TO REPROGRAM AND REAPPROPRIATE \$10,146 FROM P.L. 9-1 AND \$3,071 FROM P.L. 11-43 CIP FUNDS FOR BEACH ROAD ROADSIDE BEAUTIFICATION PROJECT IN PRECINCT II; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage on First and Final Reading H. B. NO. 13-210 has been seconded. Discussion on the bill?

Floor Leader Attao: I have floor amendments, Mr. Speaker.

The Chair recognized the Floor Leader.

Floor Leader Attao: One, the title is revised as follows: To re-appropriate \$10,146 from PL 9-1 and \$3,071 from PL 11-43 CIP funds for Beach Road roadside beautification project in Precinct II; and for other purposes. Two, on page 1, line 1, the words “reprogram and” are deleted. Three, on page 1, line 7 thru 9, Section 2 is deleted in its entirety and subsequent sections are renumbered accordingly. Four, on page 1, line 12 the word “for” is substituted for “into;” at the end of the sentence, the clause “under the expenditure authority of the Marianas Visitors Authority” is inserted.

Speaker Hofschneider: Short recess before I recognize that.

The House recessed at 3:37 p.m.

RECESS

The House reconvened at 3:41 p.m.

Speaker Hofschneider: We’re back to our session. Floor Leader, could you reconsider your last amendment?

Floor Leader Attao: Okay. Mr. Speaker, my last amendment, that’s number 4. One page 1, line 12 the word “for” is substituted for “into;” at the end of the sentence, the clause “under the expenditure authority of the Marianas Visitors Authority” is inserted change that to “the Director of the Division of Parks & Recreation”. Thank you.

Speaker Hofschneider: Any second?

The motion was seconded.

Speaker Hofschneider: For clarification, the Director of the Division of Parks & Recreation is the expenditure authority not the office.

The motion was seconded by Rep. Babauta and carried by voice vote

Speaker Hofschneider: Motion carried. Ready for the question? Representative Aldan, do you have a suggestion?

Rep. Aldan: All I'm saying, Mr. Speaker, is that the amount appropriated is not enough.

Rep. Babauta: *Siempre nahung ha para hagu.*

Speaker Hofschneider: We're voting on H. B. NO. 13 210 as amended. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-210, HD1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: H. B. NO. 13-210, as amended, is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of S. B. NO. 13-78 on First and Final Reading.

The motion was seconded.

S. B. NO. 13-78: A BILL FOR AN ACT TO § 5703 REGARDING MOTORCYCLE SAFETY HELMETS; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading S. B. NO. 13-78, this is the Motorcycle Safety Helmets Act has been seconded. Discussion on the bill?

Several members voiced, "ready."

Speaker Hofschneider: If there's no objection on the floor, I'd like to say my piece on this.

There was no objection.

Speaker Hofschneider: As much as we like to reciprocate with our counterpart in the Senate, over the years we all have knowledge by friends, relatives or someone we know that has gone through the experience of head trauma and it's not too difficult for us to surmise as to the expense of one person going through a head trauma as a result of accidents whether you are defensively driving or recklessly driving. The point is that over the years the physicians in the emergency room have raised those issues to this body time and time again that accidents and head traumas does not discriminate by age. So by this bill limiting the helmet law to anyone or person less than 18 years may in fact safeguard those group of people, but alcohol related accidents are attributed to individuals above 18 years old. So be mindful that the consequence to this

Act has another group of people that we have to revisit and be concerned about most especially when it comes to our responsibility as a government in providing medical referral or have to medivac an individual to try and save their lives. It has always been a real concern of ours in the government to minimize head traumas and this legislation may in fact not resolve that completely. I want that for the record. Representative Deleon Guerrero?

Rep. Deleon Guerrero: I'm not quite sure if this is true and perhaps somebody can answer this. If this bill is passed and signed into law, will it affect our ability to get federal funding for highways?

Speaker Hofschneider: It may in fact when you minimize safety. In our communications today, it's ironic that the Director of Highway Safety has written to the Commonwealth, to the Governor and to Clyde Norita and by way of communicating the report on an annual basis it is interesting that we take the lead in Seat Belt Laws. They continue to recognize our effectiveness in dealing with DUI's by instituting checkpoints at a minimum of twice a month. And it is also interesting in the report that they recognize that in 2001 we only had one fatality. So, it's a remarkable accomplishment of the Commonwealth and we ought to continue towards improvement of our safety laws. By removing 18 years and above is in fact the **minimous** action. So, it's a policy call. We can come back and deal with it on a separate issue but it is quite concerning that on most cases head traumas really are attributed to alcohol related and reckless behaviors in driving particularly when it comes to motorcycles. So, the answer is yes, potentially it may in fact raise some eyebrows to the regressive policy that we're beginning to adopt with this legislation. Vice Speaker?

Vice Speaker Tenorio: Thank you, Mr. Speaker. I just wanted to get information. Was this ever referred to a committee to at least check with the author what is the rationale behind limiting the age for wearing a helmet? Quite frankly, as this island become more and more populated I think more and more scooters and bicycles will be used by people for transportation and even a person riding a bicycle is required to wear a helmet much more a scooter. It's very dangerous, Mr. Speaker. I know you want to cooperate with the Senate and maybe pass their bills but, in this case, this is far beyond – this has a lot to do with safety and lives of people. I would beg to differ with whatever rationale these people are coming here for.

Speaker Hofschneider: If you look at the referral, it went to JGO and because of the inquiry that was put out in the local paper delineating the bills coming out of the House versus the Senate and comparing the accomplishments so far between the two houses. It requires that the House also reciprocates in terms of the number of bills from the Senate and that's why in the last several months I've been urging all committees to please look at Senate bills referred to you and not necessarily that we're doing this on the basis of reciprocity but JGO or any committee that a Senate bill is referred to ought to promptly look into the rationale behind those legislations referred to them. This is not a new thing. In eleven years I can recall four attempts by various motorcycle organizations on island that have aggressively lobbied all for the egotistical presumed right of feeling the air flowing through your hair without a helmet. I've had my share of run ins, verbal arguments with these groups. This is not something new. It has always been visiting the House and the Senate, but that is not to say that we're passing this on basis of reciprocity. I think that it fairly accomplish the goal of protecting those under eighteen but the advise to committees is to appropriately look into those bills that have been referred and not allow these bills to sit with no comments or no research behind them. Unless, the Chairman on the Committee on Judiciary & Governmental Operations has defense for that.

Rep. Ada: The story of this bill started a week before the Liberation Day Parade. A representative from this organization came and tried to rush it through, apparently approaching one of the Senators. They tried to get it passed right before the Liberation Parade because they are required under the law to wear helmets. They tried to rush it for the Governor's signature but it just didn't go through. So it never came back to the Committee on Judiciary & Governmental Operations. It then escalated to a point where should they have a right to wear helmets or not. Basically that's the way I'm seeing it right now. I could see the author's impatience or the members of the organization requesting that they should have a right to wear it or not to wear it relying on the 18 years old and above law.

Speaker Hofschneider: So, Mr. Chairman, this bill has been in your committee since July 4?

Rep. Ada: It never came back, sir. They tried to ask us to pass it. I was actually looking for it after that because the representative from this organization came to me personally and was soliciting my support when it was introduced in the Senate and if it was referred to the Committee on Judiciary & Governmental Operations.

Speaker Hofschneider: Mr. Chairman, you have your fingerprint on the top right corner.

Rep. Ada: Was it ever referred to my committee?

Speaker Hofschneider: It was referred to JGO on August 22, 2002.

Rep. Ada: On August 22? Lecia, did we ever have this on our calendar on the list of all the bills referred to my committee?

The Chair declared a short recess at 3:54 p.m.

RECESS

The House reconvened at 3:59 p.m.

Speaker Hofschneider: We're back to our session and we're ready for debate on this. I'd like the Vice Speaker to come up.

At this time, Speaker Hofschneider stepped down from the dais; Vice Speaker Tenorio chaired the Floor, and recognized Rep. Ada.

Rep. Ada: Okay. Let's change my view. I'm supporting bill. Under the U.S. Constitution, Mr. Speaker, 18 years old and above have the right to wear a helmet or not in some states.

Vice Speaker Tenorio: Floor Leader?

Floor Leader Attao: Ready.

Vice Speaker Tenorio: Where are we? We're now discussing S. B. NO. 13-78 and I recognize Representative Hofschneider.

Speaker Hofschneider: Thank you, Vice Speaker. I was tickled by comments during recess by the Chairman on JGO. I listened quite attentively to his trend of argument and it falls on the precepts of being politically correct. I think the Senate also accomplished that without realizing the social responsibility part of being a legislator. It is one thing to argue on the basis of your constitutional right to do what you want to do. Abortion is one of those national remissive issues whether the woman has the right on an unborn fetus, but it goes back to the consequence of being part of this community or society. I don't doubt that you can claim your right under the Constitution. I don't deny that. But please don't come back to the people that you thumb your nose against and advocate your Constitutional right and impose on them for a medivac helicopter or an airplane to send you out of the Commonwealth because you smashed your head and potentially debilitating life for the rest of your 45 years. I'm pretty sure, Mr. Chairman, you're good for another 50 years. And for one minute that we allow an amendment to allow you to not wear a helmet for occasions like the Fourth of July or any cultural activity, that is your right. You can resort to the constitutional right that you have but please don't turn to the Commonwealth taxpayers and say it is your responsibility to get me out of this island and save my life because either defensively I was driving and got hit and by not wearing a helmet because of this law. I'm a vegetable lying in CHC hospital and it costs on an average of about a \$100,000 minimum. This is why the physicians in the emergency room over the years have aggressively pursued legislation for the protection of those patients that they have seen over the years. Irrespective of the consideration of what purpose, whether exempting a day or exempting helmet entirely for anyone who has matured to understand their constitutional rights. When you have to search your good conscience and decide whether you're going to save a new born with extreme genetic problem either born with heart problems but you have to send them to children's hospital in San Diego or Shriner's. Or on the extreme, Mr. Chairman and members, to consider spending taxpayer's money to save a ninety-year old grandma or grandpa because he or she fell and broke a hip. Who would you choose to save? That newborn that is coming in to this world or that grandma or grandpa who has lived a full life? When you're charged with making a decision about scarce resources in the Commonwealth and you only have a \$100,000, which would one would you choose to save? Here is a mature individual, effectively employed, gainfully employed with full capabilities to rationalize what's good and bad. We're relieving them from the law. All for what? For consideration of a group voting power? Political considerations? Isn't July 4th not a July 4th if you don't allow them to wear helmets? Or a July 4th is only good if you don't have helmets? Come on, members. There's more to life than society stepping up and being responsible for its own people and its own actions. Advocating your right in the Constitution doesn't pass muster for when the time comes that you have to be considered. You can't even respond to your physician. You smashed your head and no one is capable of talking to you nor you responding to a physician – please send me off. The physician has to make a decision for you lying on your deathbed. This community has been called upon to use their hard-earned tax dollars to deal with calamity or catastrophic problem that you have created on your own or us now considering helping them to get into one. That's the ethical consideration of considering whether to pass this bill or not.

This is why I'm asking for guidance. Let's all search our moral conscience. Is it right for Nace, Jack or Bob or you, Mr. Chairman, to pay in being responsible? Is it fair for you? That's the point here. The bill is fairly adequate in protecting those below the age of 18, but it fell short in dealing with a more pronounce problematic group and that is, people who are adults and mature and have opinions of their own and try to assert their presumed constitutional right. Let's remove the stop signs and say hey, it's my constitutional right to drive and not have to heed to other cars or pedestrians. It's basically the same argument. Thank you.

Vice Speaker Tenorio: Thank you, Representative Hofschneider.

At this time, Speaker Hofschneider returned to the dais and recognized Representative Aldan.

Rep. Aldan: Thank you, Mr. Speaker. I've own a Harley Davidson for over ten years and I've ridden a Harley Davidson all over. I bought it in South Dakota and I rode it all the way to California without using a helmet. The reason it's pretty safe over there is because they have long stretches of road with less traffic and you can drive very safely over there. I brought my Harley from California to Saipan and I rode it for close to eight years in Saipan before I sold it. I can understand why those guys want to remove the helmet and ride, feel the air and feel free but, in my opinion, it is very dangerous in Saipan. Our roads are very short, we have a lot more traffic, our highways are contaminated with dirt, there are lots of pebbles on the roads that can easily cause a crash and hurt you. Mr. Speaker, I recommend that we vote against this bill. Those people are my friends and I've ridden with them. I sold my bike because of the simple reason that it is not safe to drive a motorcycle in Saipan. You have to be on defensive all the time. People with cars have no respect at all for motorcycle riders. Although, I feel for my friends who still have their motorcycles, I would rather see them wearing a helmet and riding a motorcycle five years from now than not wearing a helmet and dying this year or next year. Thank you.

The Chair recognized Representative Ada.

Rep. Ada: I think it's enough, Mr. Speaker. If no one is going to support the amendment, can we recommit this to the Committee on Judiciary & Governmental Operations?

The Chair recognized Representative Aldan.

Rep. Aldan: On July 4th, the motorcycle organizations are allowed to go on the parade without helmets but just for the length of the parade. That's it. If they leave the parade ground, they have to wear their helmets.

Rep. Ada: I think that's enough.

Speaker Hofschneider: So can we get your guidance to vote no?

Rep. Ada: Yes.

Speaker Hofschneider: Okay. Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-78 on First and Final Reading is as follows:

Rep. Martin B. Ada	no
Rep. Francisco DLG. Aldan	no
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	no
Rep. Arnold I. Palacios	no
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	no
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	no
Rep. Manuel A. Tenorio	no

Rep. Stanley T. Torres	no
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	no

Speaker Hofschneider: By a vote of 9-5, S. B. NO. 13-78 is hereby defeated by the House. For the record, that's because we heed the advice of the Chairman. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of S. B. NO. 13-57 on First and Final Reading.

The motion was seconded.

S. B. NO. 13-57: A BILL FOR AN ACT TO PROVIDE FOR THE DISPOSITION OF GOVERNMENT PROPERTY; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage on First and Final Reading S. B. NO. 13-57 has been seconded. Discussion on the bill?

Rep. Babauta: Mr. Speaker, just a clarification.

Speaker Hofschneider: State to clarify.

Rep. Babauta: I don't know if the counsel can answer this but do we have a present law that administer such disposition of government property?

The Chair declared a short recess at 4:14 p.m.

RECESS

The House reconvened at 4:16 p.m.

Speaker Hofschneider: We're back to our session and Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-57 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: Thank you. S. B. NO. 13-57 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-208 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-208: A BILL FOR AN ACT TO AMEND SUBSECTION 2271 (a) OF TITLE 3 OF THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage on First and Final Reading H. B. NO. 13-208 has been seconded. Discussion on the motion? This is the inspection, seizure and forfeiture. Ready? Chairman on JGO? This is coming from your committee, Mr. Chairman.

Rep. Ada: On line 4, “any person” could be just anybody at the Department of Public Health. I’m questioning it because it could be the janitor. I know it won’t come down that ridiculously but the language is so broad. “Any person” is very broad. It’s from the Secretary, himself, all the way down ... we need to add a couple of words in there.

The Chair declared a short recess at 4:18 p.m.

RECESS

The House reconvened at 4:19 p.m.

Speaker Hofschneider: We’re back to our session and the Chairman on JGO still has the floor.

Rep. Ada: I yield, Mr. Speaker.

Several members voiced, “ready.”

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-208 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 14-0, H. B. NO. 13-208 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-093, HD1 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-093, HD1: A BILL FOR AN ACT TO AMEND 4 CMC §§ 1939(a) AND 1940, OF THE DEVELOPED INFRASTRUCTURE TAX ACT; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage on First and Final Reading H. B. NO. 13-093, HD1 has been seconded. Discussion on the bill? May we read the title on that bill?

Rep. Babauta: Reference to S. C. R. NO. 13-060.

Speaker Hofschneider: S. C. R. NO. 13-060?

Rep. Babauta: Yes.

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-093, HD1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 14-0, H. B. NO. 13-093, HD1 is hereby passed by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-207 on First and Final Reading.

H. B. NO. 13-207: A BILL FOR AN ACT TO ESTABLISH A LOCAL FUND FOR EACH SENATORIAL DISTRICT INTO WHICH LOCAL REVENUES SHALL BE DEPOSITED; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage on First and Final Reading H. B. NO. 13-207 has been seconded. Discussion on the bill?

Rep. Babauta voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-207 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused

Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 14-0, H. B. NO. 13-207 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-137 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-137: A BILL FOR AN ACT TO AMEND 4 CMC SECTION 9346 OF THE WORKMEN'S COMPENSATION ACT PURSUANT TO THE RECOMMENDATIONS OF THE BUSINESS LICENSE APPLICATION TASK FORCE; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage on First and Final Reading H. B. NO. 13-137 has been seconded. Discussion on the bill? Representative Torres, could you just briefly summarize for thirty-seconds.

Rep. W. Torres: Mr. Speaker, a subsidiary motion for H. B. NO. 13-137, HS1. That's a motion.

The motion was seconded.

Speaker Hofschneider: A house substitute that's been offered by Representative William Torres on H. B. NO. 13-137 has been seconded. Discussion on the substitute? Do we have copies?

Rep. W. Torres: Copies have been distributed.

Rep. Babauta: *Munggi i substitute?*

Rep. W. Torres: Change the CS1 to HS1.

The Chair declared a short recess at 4:21 p.m.

RECESS

The House reconvened at 4:22 p.m.

Speaker Hofschneider: We're back to our session and we're discussing HS1 as offered by Representative William Torres to H. B. NO. 13-137. Ready?

Rep. Babauta voiced, "ready."

There was no further discussion, and the motion to adopt the house substitute offered by Representative William Torres was carried by voice vote.

Speaker Hofschneider: Motion carried. Ready for the question?

Several members voiced, "ready."

The Chair declared a short recess at 4:30 p.m.

RECESS

The House reconvened at 4:30 p.m.

Speaker Hofschneider: We're back to our session. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-137, HS1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	excused
Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	excused
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 14-0, H. B. NO. 13-137, HS1 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: I move to recess until tomorrow at 10:00 a.m.

The motion to recess until Friday, November 22, 2002 at 10:00 was seconded and carried by voice vote.

The House recessed at 4:31 p.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

H. L. B. NO. 13-035: To appropriate \$750,000 pursuant to Saipan Local Law 13-8 from local license fees and to repeal and re-enact section 3 of SLL 13-8. (REP. JESUS T. ATTAO) [3rd Appearance]

H. L. B. NO. 13-036: To re-appropriate the funds balance of \$38,000.00 appropriated by Saipan Local Law No. 13-4, Section 2(2) in the sum of \$120,000.00 for the renovation and operation cost of the Seventh Saipan and Northern Islands Municipal Council. (REP. JESUS T. ATTAO) [3rd Appearance]

H. L. B. NO. 13-037: To appropriate \$60,000 from the fees collected by Saipan Local Law 11-2; and for other purposes. (REP. JESUS T. ATTAO) [3rd Appearance]