



House Journal

SECOND REGULAR SESSION, 2002

Tenth Day

November 27, 2002

The House of Representatives of the Thirteenth Northern Marianas Commonwealth Legislature convened in its Tenth Day, Second Regular Session, on Wednesday, November 27, 2002, at 9:45 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.

In accordance with Rule XIII, § 2(a), seventeen members were recorded present.

Speaker Hofschneider: Representative Herman Palacios is on medical leave and is officially excused.

ADOPTION OF JOURNALS

None

PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 13-227: A Bill for an Act to amend 3 CMC Section 1306 of Public Law 9-53; and for other purposes.

Offered by: Rep. Stanley T. Torres
Referred to: Committee on Education

Rep. S. Torres: This is bill that would amend a word under the college lab school changing the word "authorized" to "mandated".

H. B. NO. 13-228: 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

Speaker Hofschneider: Any other introduction of bills? None. Introduction of resolutions? None. If there's no objection, we'll move down to House Communications.

There being no objection; the House went down to House Communications.

PREFILED AND INTRODUCTION OF RESOLUTIONS

None

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

The Chair recognized the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, I move to authorize the Committee on Natural Resources to conduct executive meetings relative to H. B. NO. 13-225.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: The motion offered by the Floor Leader to authorize the House Standing Committee on Natural Resources to conduct executive meetings relative to H. B. NO. 13-225 and other matters has been seconded. Discussion on the motion?

Several members voiced, "ready."

Speaker Hofschneider: I would like to ...

Rep. S. Torres: Vote on roll call.

Speaker Hofschneider: Not necessary. I would like to request the House members to consider including granting authority for the execution of subpoenas.

Floor Leader Attao: Subsidiary motion to that, Mr. Speaker.

Rep. Babauta: So moved, Mr. Speaker.

Speaker Hofschneider: Subsidiary motion offered to authorize execution of House subpoenas by the Standing Committee according to the Rules of the House on subpoena has been seconded. Discussion on the motion?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to authorize execution of House subpoenas by the Standing Committee on Natural Resources 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	yes
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	yes

Speaker Hofschneider: Representative Salas, for clarity. Yes?

Rep. Salas: Yes.

Speaker Hofschneider: Thank you.

Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes

Rep. Manuel A. Tenorio	yes	
Rep. Stanley T. Torres		no
Rep. William S. Torres	yes	
Rep. Heinz S. Hofschneider	yes	

Speaker Hofschneider: Before I recognize the roll, Representative Quitugua?

Rep. Quitugua: Mr. Speaker, I voted present simply because I'm a member of the committee and I thought that's conflict of interest.

Speaker Hofschneider: Conflict of interest in what manner?

Rep. Quitugua: To be empowered of that authority.

Speaker Hofschneider: Not necessarily. The subsidiary motion offered is consistent with the House Rules.

Rep. Quitugua: So, my vote is yes if there's no conflict of interest.

Speaker Hofschneider: Thank you. With a vote of 16-1, the subsidiary motion for the execution of subpoenas according to the House Rules by the Standing Committee on Natural Resources has been adopted. We are back to the main motion to authorize the Standing Committee on Natural Resources to go into executive meetings.

Rep. Babauta: Move for the previous question, Mr. Speaker.

Speaker Hofschneider: Any second?

The motion was seconded.

Speaker Hofschneider: Motion to move to the previous question has been seconded. Roll call, please.

The roll called on the motion to authorize the Standing Committee on Natural Resources to conduct executive meetings relative to H. B. NO. 13-225 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	yes	
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	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		no
Rep. William S. Torres	yes	
Rep. Heinz S. Hofschneider	yes	

Speaker Hofschneider: By a vote of 16-1, the House authorized the House Standing Committee on Natural Resources to conduct executive meetings has been adopted.

Rep. S. Torres: Mr. Speaker.

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: This is line with H. B. NO. 13-225. I'm sorry that I have to make this privileged speech but sometimes the person just has to stand up and say, enough is enough, let's cut all this crap. If this causes me to be expelled, kicked out of the Republican Party and forces me to be an Independent, then so be it ... but I cannot let this issue pass in silence. The integrity of the Legislature is at stake. This house is on fire. The stealth introduction of H. B. NO. 13-225 to

dissolve the Marianas Public Lands Authority, and without a leadership meeting to discuss it first, stinks worse than a dead rat. The MPLA Board makes one decision that the Administration does not like, and wham, our Legislature jumps like a trained K-9 sniffer. Are we bozo's for this Administration? This reminds me of my grandson's rap CD song by Eminem about corruption and that's sad. It shouldn't be that way. First we had MPLC, then former Governor Froilan Tenorio put MPLA within the Department of Lands and Natural Resources, and EO 94-3 abolished the Board. Then the Senate introduced and passed legislation to reinstate the Board, and the House passed it too. Former Governor Froilan Tenorio vetoed that bill but it was quickly overridden by both houses and it became law. We, the Legislature, created this agency. If we change the law every time a board makes an unpopular decision, we might as well write the laws on toilet tissue for easier disposal. If we jump every time the Administration wants us to, then we face the danger of being called a ping-pong Legislature. Seems to me that we mostly passed laws only to quickly amend them. We need more stability, not instability! Think \$40 million bond for the land compensation. Who in the world would float this bond when they find out this government is wacky, and, this Legislature is in the habit of dissolving our Public Lands Board? There are so many important and pressing issues that we need to address. Getting rid of the MPLA Board is not one of them. Our constituents want to know when they are going to get their tax refunds and rebates. We need to be looking at ways to increase revenues, and decrease expenditures. Let us use our time and energy on things that our people consider to be important. In closing, I challenge every member of this house to stand and let us trash H. B. NO. 13-225. Thank you for your attention.

Speaker Hofschneider: Thank you, Representative Torres. Vice Speaker, please rise.

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

Floor Leader Attao: Privilege, Mr. Speaker, before you start. Mr. Speaker, can we have order in this chamber to address all communications under Miscellaneous Business? I don't think it's fair for a member to start discussing something under the House Communication. It has to be put under the Miscellaneous Business so that the statement will not be debated.

Vice Speaker Tenorio: The Floor Leader is in order. If you have any...

Floor Leader Attao: Yes, Mr. Speaker. I think the Speaker can debate on the issue. However, Mr. Speaker, if this is on the Miscellaneous Business, it could not be debated.

Speaker Hofschneider: Point of clarification, Mr. Speaker.

The Chair recognized Speaker Hofschneider.

Speaker Hofschneider: It's not a debate. It's a position of the Speaker under House Communications.

Floor Leader Attao: Yes, I understand that, Mr. Speaker, but can we have order so that the member can deliver his comments on the Miscellaneous Business rather than under House Communications?

Vice Speaker Tenorio: Are you suggesting...

Floor Leader Attao: Can we go down to Miscellaneous Business so that we can have the Speaker deliver his comments?

Speaker Hofschneider: No, House Communications. This has to go into the House Communications.

Floor Leader Attao: So can we make a policy, Mr. Speaker, to do it on Miscellaneous Business next session?

Vice Speaker Tenorio: Under House Communications, I recognize Representative Hofschneider. Please go ahead.

Speaker Hofschneider: Thank you. Members, if my recollections serves me well, I believe it was only a month ago or maybe more than a month when eleven employees were abruptly or suddenly found themselves terminated from employment with the Northern Marianas College. The House took the opportunity to provide the forum for the college and the eleven personnel that were terminated. Four or five years ago, maybe more, I did the oversight on the college. Consistent with a lot of the findings then, the appropriate steps of getting the college streamline and provide more effective management and operations, and delivery of programs were initiated by this new President. No one liked the approach without regards to people, individuals' lives, which is inconsistent with our culture and practices here. The community is small enough that when you move, when you terminate, when you hurt, when you belittle, ridicule, criticize

or hurt one member of the community it emanates, it reverberates in the community because almost everyone, including this chamber, is a relative of someone in the government. In relation and in context to Ms. Bertha Camacho Leon Guerrero, it's not easy or it's not difficult rather to enumerate who are relatives of Ms. Bertha Leon Guerrero. So let's not kid ourselves. The issue surrounding H. B. NO. 13-225 whether ironically timely that it appeared on the floor with the departure of or abrupt termination of Bertha Leon Guerrero by the Board of Public Lands, or whether the assumption that the transition report stipulates reversing the enabling law that established the Board and bringing it back under what the Constitution mandates that after twelve years the duties and responsibilities of the Public Lands shall be transferred to the Executive Branch is immaterial. The referral of H. B. NO. 13-225 to the Committee on Natural Resources is line with the House Rules and purpose of this body. Whether we have preconceived positions to pass H. B. NO. 13-225 now, tomorrow, next week or ever is immaterial. This body has to do its job. No one likes to be attacked on blind faith, blind loyalty principal. Just because someone or people from the Administration are lobbying to have H. B. NO. 13-225 railroaded or passed by the House does not mean that I will lead you down the path. The history of Public Lands is plagued with a lot of questionable practices whether under the constitutionally created board or statutorily created board now or when it was under the Executive Branch when then Governor Froilan Tenorio acting as the board was making decisions.

Vice Speaker Tenorio: Wrap up, Congressman.

Speaker Hofschneider: May I seek anyone on the floor for additional time?

Rep. S. Torres: I yield my time.

Speaker Hofschneider: Thank you.

Vice Speaker Tenorio: Recognize. Go ahead.

Speaker Hofschneider: Members, it was this body that acted on the Senate Bill during Froilan Tenorio's Administration to take away the sole discretion of the Governor under DLNR the power to make decisions and the disposition and management of all public lands. Was that a knee jerk reaction? Or was that because of the consensus of the people that they did not trust one person, however, Chief Executive of the land? They did not consent to one person making decisions on all public land matters. That's how the enabling legislation was overridden by the Legislature then. In spite of the defects, the inadequacy of the law, the constitutional questions that still lingers, principally, the legitimacy of the existence of the board under the Constitution as created by law, that is before us. Unfortunately, or fortunately, however, you want to take the position, the departure of Ms. Leon Guerrero provoked this body to see H. B. NO. 13-225 before it. But it is immaterial to the responsibility of this body to look into the affairs. I challenge one of you to rise today to share information as to the facts or details relating and leading up to the departure or termination of Ms. Bertha Leon Guerrero. However, under the statute, she serves at the pleasure of the Board. That's given. I challenge one of you. It has been a week and even the Presiding Officer of the House having made attempts to reach board members to be abreast on the issue on the matter have not been answered. And if the termination rises to a gravity equal to dereliction of duty of Ms. Bertha Leon Guerrero, then we forever shut our mouth, the board conducted itself appropriately. But if it's for philosophical differences in approach of the Commissioner and the Board, then we would like to hear what are those philosophical differences over time, now, more importantly, leading up to the termination. I have information that led up to a few days before her departure, which are quite sensitive, and we need that to be discussed in an executive meeting forum to ask the validity of those information. If in fact we issue the subpoena and acquire those documents or the Board of Public Lands answer to them and substantiate those information I will be putting forth before the Board, then believe me, whether it's timely or tangible to the departure of Ms. Bertha Leon Guerrero or not, it rises to a dereliction of duty and violation of its fiduciary and possibly conflicts of interest. Let's not kid ourselves.

Vice Speaker Tenorio: One-minute, Representative Hofschneider.

Speaker Hofschneider: This house has to rise to the challenge. Whether we agree with the Administration and the desire of the Governor to repeal the Board of Public Lands is irrelevant. I voted for the statutory creation the board during the override. And it takes monumental consideration for one of us to deviate from your original position and vote because I wholehearted share the principles that Representative Stanley Torres have spoken. Let's not be a rubber stamp of the Administration. Let's not dilly dally, let's not provide another inconsistency in public policy, and let's not ride on the bandwagon of the momentum of the emotions based on the principle of the departure of Ms. Bertha Leon Guerrero, but look at the inadequacies of the law. Look at the principles under the Constitution requiring the transfer of functions to the Executive Branch. This house has to rise to the challenge and to the occasion to represent the people. We will not be

representing our people if we ride on the wave of emotions generated by familial connections, friendship, association of board members nor Ms. Bertha Leon Guerrero. Thank you.

Vice Speaker Tenorio: Thank you, Representative Hofschneider. Any more discussion? I recognize Representative Castro.

Rep. Castro: Thank you, Mr. Speaker. I believe the motion we just passed authorizing the Committee on Natural Resources to conduct executive meetings with the Board of MPLA and subpoena documents relating to public lands is in order, Mr. Speaker. As a member of the committee, I personally, haven't decided as to how my vote will go with H. B. NO. 13-225. In order for me to make a sound and accurate decision on H. B. NO. 13-225, I strongly believe that the motion we just passed is consistent in providing us more references in looking at the merits and the purpose of H. B. NO.13-225. Thank you.

Vice Speaker Tenorio: Thank you, Representative Castro. I recognize Representative Cabrera.

Rep. Cabrera: Thank you, Mr. Speaker. Mr. Speaker, as the author of H. B. NO. 13-225, I find it utterly appalling that this type of discussion and even belittling of one Representative's right to introduce a bill as they see fit be taking place at this point in time. I believe that every one of us has a right to defend their bills. For the record, Mr. Speaker, I wish to declare that under no circumstances did I introduce H. B. NO. 13-225 to serve as a retaliatory act on the recent termination of Ms. Bertha Leon Guerrero. I am grateful that this body saw fit to refer H. B. NO. 13-225 to the Committee on Natural Resources for further deliberation and investigation on various issues that I, myself, am aware of. And I believe that once the committee does its investigations there will be issues, there will be findings that will arise as a consequent. Mr. Speaker, I am not a ping-pong legislator and nothing that I have done thus far makes a mockery of the oath that I have taken in January to represent the interest of the people as a whole and the introduction of this particular bill is no less than anything else that I have done. Once again, if, at the very least, the bill places a focus on the overall process that the Board members who are sitting on the MPLA have been taking actions on. And again, I believe this kind of discussion should not be taking place right now. It is something that should be debated at the time when the body is ready to vote on the issue. This is really an embarrassment to me. It takes away from my right to introduce a bill that I believe is right and I'm really, really hurt that it's coming from a member. I would never do such a thing to anybody here. I will respect their right to introduce a bill as they see is appropriate. Thank you, Mr. Speaker.

At this time, the Speaker returned to the dais and chaired the Floor.

Speaker Hofschneider: Thank you. Floor Leader, move down to Bill Calendar since the Senate is getting ready.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

None

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.*

There was no discussion.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

None

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Attao: Mr. Speaker, if there's no objection from the members, I would like to place H. B. NO. 13-228 on today's calendar for action.

There was no objection.

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 the H. B. NO. 13-228 on First and Final Reading.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: Suspension of pertinent Rules for placement of H. B. NO. 13-228 has been seconded. Discussion on the motion?

Several members voiced, "ready."

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

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Before we entertain the passage of this bill, Mr. Speaker, I move for reconsideration on H. B. NO. 13-220, HD1 to incorporate the amendment on H. B. NO. 13-228.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: Motion for reconsideration on H. B. NO. 13-220 has been seconded. Discussion on the motion?

Rep. Babauta voiced, "ready."

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

Speaker Hofschneider: The reconsideration motion is adopted on H. B. NO. 13-220. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-228 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-228: 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: Motion for the passage on First and Final Reading H. B. NO. 13-228 has been seconded. Discussion on the bill? Representative Babauta?

Rep. Babauta: Thank you, Mr. Speaker. Just for the record of this house, Mr. Speaker, because this is a major undertaking. Similarly, we have passed H. B. NO. 13-001 and H. B. NO. 13-161 and this act seeks to amend pertinent provisions of the previous laws. May I kindly ask the author for a brief enlightenment on what are the aspects or changes in the bill?

Speaker Hofschneider: For clarification, Representative Babauta, all the added language is underlined.

Rep. Babauta: I got that, Mr. Speaker. It's just that are references made to certain provisions of previous statutes.

Speaker Hofschneider: On page 3, more specifically, clarification on language and in addition to the existing law on the transfer of bond proceeds to MPLA; the mechanism from CDA to MPLA.

Rep. Babauta: So noted, Mr. Speaker. Thank you.

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-228 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	yes
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	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
(And I hope that these funds shall be deposited in a safe bank.)	
Rep. William S. Torres	yes
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: With a vote of 17 yes, it passes the 2/3 requirements under the Constitution for public indebtedness, H. B. NO. 13-228 is hereby passed by the House on First and Final Reading. Short Recess.

The House recessed at 10:21 a.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

None