



# House Journal

## THIRD REGULAR SESSION, 2003

Fourth Day

February 14, 2003

The House of Representatives of the Thirteenth Northern Marianas Commonwealth Legislature convened in its **Fourth Day, Third Regular Session** on **Friday, February 14, 2003**, at **2:55 p.m.**, in the House Chamber, Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

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

Speaker Hofschneider: In your thoughts, please wish all a Happy Valentine.

A moment of silence was observed.

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

Speaker Hofschneider: Members who are absent are hereby excused. They're on official business in Tinian.

### ADOPTION OF JOURNALS

None

### PREFILED AND INTRODUCTION OF BILLS

The Chair recognized Vice Speaker Tenorio.

Vice Speaker Tenorio: Thank you, Mr. Speaker. H. B. NO. 13-251 was prefiled by Representative Ada, who is on official business. I would like to introduce it in today's session per request.

H. B. NO. 13-251: A Bill for an Act to establish a comprehensive and coordinated information system to collect criminal justice information, maintain it securely and disseminate it; and for other purposes.

Offered by: Rep. Martin B. Ada

The Chair recognized Representative Herman Palacios.

Rep. H. Palacios: Mr. Speaker, the legal counsel is making a very minor alteration on a bill and as soon as she comes, I'll introduce it.

Speaker Hofschneider: Thank you.

H. B. NO. 13-252: A Bill for an Act to appropriate Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for the Commonwealth Prison Project; and for other purposes.

Offered by: Rep. Heinz S. Hofschneider and one other

H. B. NO. 13-253: A Bill for an Act to amend 9 CMC §§ 2104(a)(4) and 2201(b) of the Commonwealth Code by increasing the vehicle registration and operator's license fees; and for other purposes.

Offered by: Rep. Ramon A. Tebuteb  
Referred to: Committee on Ways and Means

H. B. NO. 13-254: A Bill for an Act to amend 3 CMC § 4602(a); to repeal the 45-day transfer period in 3 CMC § 4602(b); and for other purposes.

Offered by: Rep. Herman T. Palacios and nine others  
Referred to: Subcommittee on Labor and Immigration

Rep. H. Palacios: Mr. Speaker, this bill would do away with the 45 days allowable to alien workers to stay after the expiration of their contracts. If this becomes a law, it would give them the following day to repatriate to point of hire. Thank you.

Speaker Hofschneider: Thank you. If there are no other bills for introduction, we'll move down to Prefiled and Introduction of Resolutions.

### **PREFILED AND INTRODUCTION OF RESOLUTIONS**

H. R. NO. 13-114: A House Resolution to express our sincere condolences to the family of the late Father Roger Pierre Taisacan Tenorio.

Offered by: Rep. Joseph P. Deleon Guerrero and seventeen others

Speaker Hofschneider: Could you make a motion to introduce it as a Committee of the Whole Resolution?

Rep. Deleon Guerrero: So moved.

There was no objection from the Floor.

Speaker Hofschneider: Thank you.

Rep. Deleon Guerrero: Thank you.

H. R. NO. 13-026: A House Joint Resolution to approve of the compensation and salary schedule of the Office of the Public Auditor pursuant to 1 CMC §2305(a).

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

Speaker Hofschneider: Any other resolutions? None. May I ask the indulgence of the members that we dispense of the communications and move down to Reports of Standing Committees.

There being no objection; the House went down to Reports of Standing Committees.

### **MESSAGES FROM THE GOVERNOR**

GOV. COMM. 13-402 – 1/31/03 – Certification of annual salary in excess of \$50,000 for Dr. Adrian Brenn.

GOV. COMM. 13-403 – 1/31/03 – Certification of annual salary in excess of \$50,00 for Dr. Vanessa Ince.

GOV. COMM. 13-404 – 1/31/03 – P.L. 11-6 notification of exemption for Real Live Fish Restaurant.

GOV. COMM. 13-405 – 2/3/03 – P.L. 11-6 notification of exemption for TJD (CNMI), Inc.

GOV. COMM. 13-406 – 2/3/03 – P.L. 11-6 notification of exemption for Blue Jasper Corporation.

GOV. COMM. 13-407 – 2/3/03 – P.L. 11-6 notification of exemption for Solid Builders.

GOV. COMM. 13-408 – 2/3/03 – P.L. 11-6 notification of exemption for the Department of Public Health.

GOV. COMM. 13-409 – 2/3/03 – P.L. 11-6 notification of exemption for Pacific Utility Construction.

GOV. COMM. 13-410 – 2/3/03 – P.L. 11-6 notification of exemption for FC Auto Repair Shop.

GOV. COMM. 13-411 – 2/3/03 – P.L. 11-6 notification of exemption for Saipan Sunset Cruise.

GOV. COMM. 13-412 – 2/3/03 – P.L. 11-6 notification of exemption for Masa Shiatsu Studio.

GOV. COMM. 13-413 – 2/3/03 – P.L. 11-6 notification of exemption for Equitable Adjusting & Service company.

GOV. COMM. 13-414 – 2/3/03 – P.L. 11-6 notification of exemption for Seokjung Restaurant.

GOV. COMM. 13-415 – 2/10/03 – P.L. 11-6 notification of exemption for Dandan Driving Range.

GOV. COMM. 13-416 - 2/10/03 – P.L. 11-6 notification of exemption for Aqua Del Rey Saipan, Inc.

GOV. COMM. 13-417 – 2/10/03 – P.L. 11-6 notification of exemption for Pacific Star Enterprise.

GOV. COMM. 13-418 – 2/10/03 – P.L. 11-6 notification of exemption for C & R Corporation.

### **SENATE COMMUNICATIONS**

None

### **HOUSE COMMUNICATIONS**

HSE. COMM. 13-42 – 1/23/03 – From Rep. Torres re. H. B. NO. 13-202.

HSE. COMM. 13-43 – Ways & Means Committee Status Report of measures as of 1/2/303.

HSE. COMM. 13-44 – 1/23/03 – From Rep. Quitugua regarding the Kagman High School textbook issue.

HSE. COMM. 13-45 – 2/5/03 – From Rep. Stanley Torres to Mr. Vincent Seman, regarding NMC Politics and media remarks.

HSE. COMM. 13-46 – 2/7/03 – From Rep. Salas regarding the assignment of legal counsel and legislative assistant to the Commerce Committee.

HSE. COMM. 13-47 – 12/30/02 – From Rep. Arnold Palacios requesting the reassignment of H. B. NO. 13-166 to the Committee on Ways and Means.

## **COMMUNICATIONS FROM THE JUDICIAL BRANCH**

None

## **COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE**

WASH. REP. COMM. 13-13 – 1/28/03 – Enclosing the Office of the Resident Representative Budget Proposal for FY 2004.

WASH. REP. COMM. 13-14 – 1/30/03 – Attaching a copy of the US President's State of the Union speech.

WASH. REP. COMM. 13-15 – 1/30/03 – Reporting on US H.J. Res. 2, the Omnibus Appropriations Bill now before the US Congress.

## **COMMUNICATIONS FROM DEPARTMENTS & AGENCIES**

DEPT. & AGENCY COMM. 13-134 – 2/6/03 – From CPA Executive Director Carlos Salas regarding Triennial Disaster Drill.

DEPT. & AGENCY COMM. 13-135 – 12/4/02 – From Personnel Director Juan I. Tenorio re. PL 13-1.

DEPT. & AGENCY COMM. 13-136 – 1/20/03 – From OMB Special Assistant Edward Tenorio, enclosing for consideration Federal Grant Applications for Juvenile Justice and Delinquency Prevention Program and Rural Domestic Violence and Child Victimization Discretionary Grant.

DEPT. & AGENCY COMM. 13-137 – 1/21/03 – From DLNR Secretary Tom Pangelinan regarding S. B. NO. 13-118.

DEPT. & AGENCY COMM. 13-138 – 1/23/03 – From CRM Administrator Joaquin Salas regarding H. B. NO. 13-128 and S. B. NO. 13-118.

DEPT. & AGENCY COMM. 13-139 – 1/27/03 – From MPLA Commissioner Henry Hofschneider regarding incidental cost in the execution of the Land Compensation Act.

DEPT. & AGENCY COMM. 13-140 – 1/24/03 – From OES Acting Principal Jesus Wabol requesting for assistance for the school's drinking water.

DEPT. & AGENCY COMM. 13-141 – 1/31/03 – From BOE Chair Herman T. Guerrero enclosing the PSS's FY 2004 budget proposal.

DEPT. & AGENCY COMM. 13-142 – 1/31/03 – Commonwealth Register Volume 25, No. 1 on Solid Waste Collection, Private Letter Ruling, Used Oil Management Rules, Cash Receipt and Compliance Regulations.

DEPT. & AGENCY COMM. 13-143 – 1/31/03 – From DLNR Secretary Tom Pangelinan, re. CIP projects for DLNR.

DEPT. & AGENCY COMM. 13-144 – 2/5/03 – From CIP Administrator Virginia Villagomez enclosing an update of the CNMI's Covenant Section 702 CIP status report.

DEPT. & AGENCY COMM. 13-145 – 2/6/03 – From Dr. Kenneth Wright, NMC President, re. H. B. NO. 13-229.

DEPT. & AGENCY COMM. 13-146 – 2/10/03 – From CDD Executive Director Thomas Camacho, providing a copy of CDD's Inclusive Education Policy Statement.

DEPT. & AGENCY COMM. 13-147 – 1/16/03 – SAPLR's summary report for the Senate Session of 1/16/03.

DEPT. & AGENCY COMM. 13-148 – 1/13/03 – From CJPA Executive Director Doris Pladevega regarding the VOI – TIS Awards for new Adult Prison Facility.

DEPT. & AGENCY COMM. 13-149 – Listing of job vacancies published by the Office of Personnel Management.

DEPT. & AGENCY COMM. 1-3150 – From Board of Governors Chair Herman T. Guerrero enclosing the Fiscal Year 2004 Budget request for the Commonwealth Museum of History and Culture.

DEPT. & AGENCY COMM. 13-151 – 1/31/03 – From Personnel Director Juan I. Tenorio regarding volunteer service.

#### **OTHER COMMUNICATIONS**

MISC. COMM. 13-108 – 1/20/03 – From Mr. Juan T. Guerrero, Paras Enterprises Saipan, Inc., re. cost comparison of direct nurse hiring vs. manpower hiring.

MISC. COMM. 13 – 109 – 2/9/03 - From Ms. Ruth Tighe - On My Mind... column.

MISC. COMM. 13-110 – 1/20/03 - From Ms. Ruth Tighe - On My Mind... column.

MISC. COMM. 13-111 – 1/27/03 – From Mr. Froilan C. Tenorio, enclosing a copy of a proposed initiative on the revenues received from public lands.

MISC. COMM. 13-112 – 1/29/03 – From Saipan Mayor Juan B. Tudela providing a copy of the MOS FY 2002 budget proposal.

MISC. COMM. 13-113 – 2/4/03 – From Rota Mayor Benjamin T. Manglona enclosing a proposed amendment to PL 13-44.

MISC. COMM. 13-114 – 2/3/03 – From Mr. Fidel T. Manglona, Jr., 9<sup>th</sup> Rota Municipal Council, regarding the change of leadership position of the Council.

MISC. COMM. 13-115 – 2/21/03 – From Mr. Walden KC Weilbacher, APIL Secretariat, transmitting copies of the APIL Resolutions adopted during the 43<sup>rd</sup> Meeting.

MISC. COMM. 13-116 – From USF&W Field Supervisor Paul Henson, Ph.D., regarding designation of critical habitat for three endangered species.

MISC. COMM. 13-117 – 1/30/03 – From Ms. Linda Worrell, re. 2003 Annual Meeting on NCSL.

MISC. COMM. 13-118 – 1/29/03 – From Ms. Molinari, The Century Council, enclosing a copy of Report on Alcohol-Related Traffic Fatalities in the United States for 2001.

MISC. COMM. 13-119 – 1/29/03 – New York Post Online Edition regarding music downloads over the internet.

MISC. COMM. 13-120 – Rota Municipal Council Resolution (MCR-09-006), regarding personnel conversion and transfer.

MISC. COMM. 13-121 – 2/3/03 - From Ms. Frances Muña, SNIMC Administrative Officer, transmitting certified copies of resolutions 7SMC-5RS-05 thru 7SMC-5RS-12.

MISC. COMM. 13-122 – 2/11/03 - From Ms. Frances Muña, SNIMC Administrative Officer, transmitting a certified copy of resolutions 7SMC-5RS-13 and 7SMC-5RS-14.

MISC. COMM. 13-123 – 2/12/03 – From Attorney Robert T. Torres, MPLT legal counsel, regarding information requested by Sen. Reyes on RLL 13-4.

MISC. COMM. 13-124 – From Mr. Herman Q. DLGuerrero regarding the transfer of Verizon's Assets of Pacific Telecommunications, Inc.

MISC. COMM. 13-125 – 2/11/03 – From Saipan Mayor Juan Tudela enclosing a copy of the Office of the Mayor of Saipan Personnel Manual.

MISC. COMM. 13-126 – 12/23/02 – From Mr. Eric Plinske regarding the proposed NMI film Office, H. B. NO. 13-236.

### **REPORTS OF STANDING COMMITTEES**

Speaker Hofschneider: Under Reports of Standing Committees, Floor Leader, we have a special report to adopt on the Criminal Justice Information System.

Floor Leader Attao: Short recess.

The Chair declared a short recess at 3:02 p.m.

### **RECESS**

The House reconvened at 3:04 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, I move to include Special S. C. R. 13-01 and S. C. R. NO. 13-070 on today's calendar.

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

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the adoption of S. C. R. NO. 13-070 and Special S. C. R. 13-01.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the adoption of Special S. C. R. 13-01.

The motion was seconded by Rep. Babauta.

Special S. C. R. NO. 13-01 – Reporting on the proposed Criminal Justice Information Act. *Your Committee on JGO recommends that H. B. NO. 13-251 be passed by the House without amendment.*

Speaker Hofschneider: Motion for the adoption of Special S. C. R. NO. 13-01 has been seconded. Discussion on the report?

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

Speaker Hofschneider: State your clarification.

Rep. Babauta: It's just to clarify that we're only adopting the report, or is this inclusive of H. B. NO. 13-251?

Speaker Hofschneider: No.

Rep. Babauta: Okay. Ready.

Speaker Hofschneider: For the record, this is an extensive special committee report composed by a committee of the House, the Senate and respective agencies including the Attorney General's Office. We have been briefed on this and therefore any information relative to the bill or any section in question relative to the bill, please refer to the Special Report.

There was no further discussion, and the motion to adopt Special S. C. R. NO. 13-01 was carried by voice vote.

Speaker Hofschneider: Special S. C. R. NO. 13-01 is hereby adopted by the House. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the adoption of S. C. R. NO. 13-070 relative to the 15-year lease extension for Kan Pacific.

The motion was seconded by Rep. Babauta.

S. C. R. NO. 13-070: Reporting on DEPT. & AGENCY COMM. 13-98 relative to the lease extension for Kan Pacific. *Your Committee on Natural Resources recommends that the attached resolution be adopted in Joint Session.*

Speaker Hofschneider: For the record, we're only adopting the report and by way of adopting the committee report an official notification will be sent to the Senate President and members of the Senate that the House is ready to convene in a joint session for the consideration of the 15-year extension request.

There was no further discussion, and the motion to adopt S. C. R. NO. 13-070 was carried by voice vote.

Speaker Hofschneider: Motion carried. S. C. R. NO. 13-070 is hereby adopted by the House. Floor Leader.

Floor Leader Attao: Bill Calendar, Mr. Speaker.

Speaker Hofschneider: What about S. C. R. NO. 13-069?

Floor Leader Attao: I thought we're only going to act on two committee reports.

Speaker Hofschneider: Okay. Before we go down to Bill Calendar. Short recess.

The House recessed at 3:09 p.m.

**RECESS**

The House reconvened at 3:11 p.m.

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

The motion was seconded by Rep. Babauta. Floor Leader Attao: Thank you, Mr. Speaker. I move for the adoption of S. C. R. NO. 13-067, S. C. R. NO. 13-068 and S. C. R. NO. 13-069.

S. C. R. NO. 13-067: Reporting on H. B. NO. 13-100, entitled, "To prohibit the use of hand held cellular phones and other hand held communication devices while operating a vehicle." *Your Committee on PUTC recommends that the House pass H. B. NO. 13-100 as substituted by the Committee.*

S. C. R. NO. 13-068: Reporting on H. B. NO. 13-135, entitled, "To amend 4 CMC §§ 1503(a)(2) and 1503(a)(5)." *Your Committee on Commerce recommends that the House file H. B. NO. 13-135*

S. C. R. NO. 13-069: Reporting on H. B. NO. 13-193, entitled, "To amend 4 CMC §§ 5901(a) to remove the requirement of a \$100,000 security deposit for long-term business certificate applicants; and for other purposes." *Your Committee on Commerce recommends passage of the bill as substituted by the Committee.*

There was no discussion, and the motion to adopt S. C. R. NO. 13-067, S. C. R. NO. 13-068 and S. C. R. NO. 13-069 was carried by voice vote.

Speaker Hofschneider: Motion carried. S. C. R. NO. 13-067, S. C. R. NO. 13-068 and S. C. R. NO. 13-069 are hereby adopted by the House. Floor Leader, we'll move down to Resolution Calendar.

Floor Leader Attao: Two minutes recess, Mr. Speaker.

Speaker Hofschneider: Recess?

Floor Leader Attao: *Taya resolution.*

The Chair declared a short recess at 3:15 p.m.

**RECESS**

The House reconvened at 3:33 p.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 Item 15, Resolution Calendar. I recognize the 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 H. R. NO. 13-114.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the adoption of H. R. NO. 13-114.

The motion was seconded by Rep. Babauta.

H. R. NO. 13-114: A HOUSE RESOLUTION TO EXPRESS OUR SINCERE CONDOLENCES TO THE FAMILY OF THE LATE FATHER ROGER PIERRE TAISACAN TENORIO.

Speaker Hofschneider: As understood, it's introduced by the Committee of the Whole.

There was no discussion and the motion to adopt H. R. NO. 13-114 was carried by voice vote.

Speaker Hofschneider: Motion carried. H. R. NO. 13-114 is hereby adopted by the House.

The House went down to Bill Calendar.

## BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Pursuant to Rule 10, Section VII, I move to recall H. B. NO. 13-148 from the Governor, entitled, A Bill for an Act to create a Workforce Investment Agency within the Office of the Governor and to promote employment training and services; and for other purposes.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: Motion to recall H. B. NO. 13-148 from the Governor has been seconded. Discussion on the motion?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to recall H. B. NO. 13-148 from the Governor is as follows:

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

Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	yes
Rep. Norman S. Palacios	excused
Rep. Daniel O. Quitugua	excused
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	excused
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: Representative Quitugua asked to be excused because he's returning to Rota. He is hereby excused. With a vote of 11 "yes", 7 "absent" the House hereby recalls H. B. NO. 13-148. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. I move for reconsideration, per instruction of H. B. NO. 13-235, HD1, entitled, A Bill for an Act to amend 4 CMC § 2301(d) and 1 CMC § 2702(a); and for other purposes.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-235, HD1: A BILL FOR AN ACT TO AMEND 4 CMC § 2301(D) AND 1 CMC § 2702(A); AND FOR OTHER PURPOSES.

Speaker Hofschneider: Reconsideration motion has been seconded. This is to reconsider our action on H. B. NO. 13-235, HD1, relative to the MVA field operations transfer. We've passed it, but upon review before transmittal to the Senate we found some glaring problems so we are going to fix that now. Discussion on the reconsideration motion?

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

Speaker Hofschneider: Motion carried, therefore, H. B. NO. 13-235, HD1 is now on the floor. And with that, I'd like to offer a floor amendment.

Speaker Hofschneider offered the following amendment:

On page 1, Section 3 is modified as follows: Section 3. Transfer. Notwithstanding Public Law 13-24 and any law to the contrary, the MVA Field Operations Division in Saipan including its records, property listed on its schedule of fixed assets, facilities, equipment, supplies, its current 28 FTEs and total personnel costs including health insurance, retirement, and medicare, ~~as provided in a Memorandum of Understanding (MOU) between MVA and the Department of Lands and Natural Resources (DLNR),~~ are hereby transferred to the Division of Parks and Recreation within the Department of Lands and Natural Resources (DLNR). MVA and DLNR are hereby authorized to execute a Memorandum of Understanding (MOU) that effectuates the transfer authorized by this Act and which shall specifically provide: (a) A listing of ~~All~~ tourist sites on Saipan currently maintained by MVA. (b) ~~Assistance by~~ Coordination of DLNR personnel for MVA events. (c) Reimbursement of overtime salaries by MVA and DLNR for manpower during the events as specified in the MOU. Twenty percent of the current operational costs for MVA's field operations Division in Saipan for Fiscal Year ~~2002~~ 2003 shall remain with MVA and the other remaining ~~eighty percent~~ 80% shall be transferred to the Division of Parks and Recreation ~~as provided in the MOU~~. No current liabilities other than personnel costs ~~will~~ shall be transferred to DLNR.

On page 2, Section 4 is modified as follows: Section 4. Tourist Site Maintenance. (a) 1 CMC § 2702(a) is amended to read as follows: “(a) “Commonwealth park” means an area set apart and designated as a Commonwealth park or a tourist site, unless otherwise provided by law, by the Division of Parks and Recreation including any public facilities located within the boundaries of the park.”

The motion was seconded.

Vice Speaker Tenorio: Mr. Speaker, can we have a copy of the bill?

The Chair declared the House recessed at 3:35 p.m.

**RECESS**

The House reconvened at 3:42 p.m.

Speaker Hofschneider: We’re back to our session. I offered a floor amendment on H. B. NO. 13-235, HD1. The motion for the floor amendment has been seconded. Discussion on floor amendment?

Rep. Babauta voiced, “ready.”

The Chair recognized Representative Torres.

Rep. S. Torres: On “Section 3. Transfer. Notwithstanding Public 13-” – the word “Law” is missing here.

Speaker Hofschneider: Where are you? On the floor amendment?

Rep. S. Torres: Yes.

Speaker Hofschneider: The first line?

Rep. S. Torres: Yes. The “Notwithstanding Public 13-24.”

Speaker Hofschneider: Short recess.

The House recessed at 3:43 p.m.

**RECESS**

The House reconvened at 3:46 p.m.

Speaker Hofschneider: We’re back to our session and for clarification, there’s typographical error, after the word “Public” insert “Law”. Ready for the question?

Several members voiced, “ready.”

There was no further discussion, and the floor amendment offered by Speaker Hofschneider to H. B. NO. 13-235, HD1 was carried by voice vote.

Speaker Hofschneider: Motion carried. We’re back to H. B. NO. 13-235, HD2. Ready?

Floor Leader Attao voiced, “ready.”

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-235, HD2 on First and Final Reading is as follows:

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

Vice Speaker Tenorio: What are we voting on?

Speaker Hofschneider: The bill as amended.

Vice Speaker Tenorio: H. B. NO. 13-235.

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

Speaker Hofschneider: By a vote of 11 “yes”, 7 “absent”, H. B. NO. 13-235, HD2 is hereby passed by the House. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. I move to place H. B. NO. 13-252 on today’s Bill Calendar.

The motion was seconded by Rep. Babauta. There was no discussion and the motion to place H. B. NO. 13-252 on the calendar 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 passage of H. B. NO. 13-252 and H. B. NO. 13-235, HD1 on First and Final Reading.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: Floor Leader, correction H. B. NO. 13-235 is finished. *Esta ma pasa.*

Floor Leader Attao: H. B. NO. 13-235, HD1 is on the calendar.

Speaker Hofschneider: It’s done. We’ve reconsidered and passed it – short recess.

The House recessed at 3:49 p.m.

**RECESS**

The House reconvened at 3:49 p.m.

Speaker Hofschneider: We're back to our session.

Floor Leader Attao: I would like to make a subsidiary motion to correct the main motion to exclude H. B. NO. 13-235, HD1 and include H. B. NO. 13-246.

The motion was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I now move for the passage of H. B. NO. 13-252 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-252: A BILL FOR AN ACT TO APPROPRIATE TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) FOR THE COMMONWEALTH PRISON PROJECT; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading H. B. NO. 13-252 has been seconded. Discussion on the bill? Ready?

Several members voiced, "ready."

Vice Speaker Tenorio: Mr. Speaker?

The Chair recognized Vice Speaker Tenorio.

Vice Speaker Tenorio: Point of information, Mr. Speaker. Can you clarify what we are trying to do here, Mr. Speaker? I see that \$1 million is coming from the Kagman waste water system. Are we in fact saying that we're taking \$1 million from the Kagman waste water system and putting it into the prison project?

Speaker Hofschneider: Yes.

Vice Speaker Tenorio: Why is that, Mr. Speaker?

Speaker Hofschneider: Based on the CIP Coordinator Vicky Villagomez and the Administration, the \$1 million is not encumbered so it can be moved to supplement the prison project shortfall.

Vice Speaker Tenorio: I am sure that there's \$10 million for the first phase of the Kagman wastewater facility project. That project, Mr. Speaker, needs another \$10 million to put it in place, and here we are cutting the funding before the first phase of the project even started? How are we going to pay for it or reimburse the project with this? Can we get assurance from the members that we can find funds for that – because as far as I'm concerned, Mr. Speaker, those prisoners can be put some place else. Let the Kagman project go on. We need the facility over there. What are we doing here, Mr. Speaker?

Speaker Hofschneider: Thank you. The Administration has assured that the forthcoming CIP, which was reduced in 2000 by \$3 million, is now being replaced or replenished this fiscal year. Because the project is

under planning stages, design phase, and the construction phase has not initiated yet, there is ample time to replenish the \$1 million, which they have done so similar to the \$3 million we have taken away from the landfill. It's being replaced by the U. S. Congress in the forthcoming CIP.

Vice Speaker Tenorio: The CIP funding for 2004 is only around \$17 million and we have a lot of projects to do for Precinct I – not only in Kagman but the Dandan sewer line as well, and there's a big problem now with the Airport Road. That'll probably require another \$5 million for land acquisition, the resurfacing and doing the necessary drainage system. Precinct I requirements, Mr. Speaker, it should – almost 60% of the people of this island live in Precinct I and we continue to deny the people there the opportunity for CIP. I don't know if it's right for you, and I, as a Representative from Precinct I, to endorse this kind of request unless we can get assurance. They're always saying that they'll do this and do that but there's nothing in writing, Mr. Speaker, that I can, in all fairness, clear my conscience and say we'll go ahead and cut this and be assured that the money is coming in the next phase of the CIP funds.

Speaker Hofschneider: Believe me, Vice Speaker, I raised that with the Administration and they have assured that they will replace that because of the timeliness of the construction is not there yet. This Kagman sewer project is under design phase and we have a clock against us on the prison project due to the consent decree. And if we procrastinate or delay that, that would compound the problem. In fact, it may have all or some of our CIP funds impounded for the purpose of completing the prison project. So I ask the indulgence of the members in that we have reassurance from the Administration since they have submitted this as a request. CDA drafted the bill in cooperation with the CIP people in the Administration and they've assured that they will in fact replenish and add on to the sewer project appropriation. Okay. Ready?

Rep. Deleon Guerrero: Mr. Speaker, have we gotten any feed back from CUC in terms of the schedule for the Kagman sewer? Because what the newspaper reported yesterday was that the project was stalled but I have been involved in some meetings with CUC and the matter of identifying the location for the wastewater treatment plant is not a big problem. They've identified alternative sites and it's a matter of a short time to determine which of those sites would be used. And if that is the only obstacle, then we're looking at that project progressing in the very near future.

Speaker Hofschneider: Representative Deleon Guerrero, there's an added complication to the sewer project in Kagman. Originally, the Kagman sewer project was intended to develop the first constructed wetland -- the terminology -- as opposed to the traditional or typical sewer treatment plant that we have in Puerto Rico and Agingan Point because the other agencies involved, DEQ for instance, have reservations as to the wetland treatment plant. CUC is reassessing together with the Administration, if they would go with the traditional treatment plant and I think that they're moving towards that direction to identify a suitable lot for a change in plant design and move for the traditional treatment facility. So that's where the hitch lies. Two, it's still in the design phase. This morning, Chuck Jordan and Vicky Villagomez reassured that the design phase is not going to materialize until the end of the year and construction will probably begin next year. So in the meantime they have reassured that they will in fact replenish the money to the sewer project in Kagman. Representative Torres?

Rep. S. Torres: Mr. Speaker, what is the meaning of traditional treatment plant?

Speaker Hofschneider: Standard.

Rep. S. Torres: And wetland treatment plant?

Speaker Hofschneider: They construct an open pit and use sand filtration for seepage and that's how they treat it. Basically the standard treatment plant is what we see down at Puerto Rico and Agingan Point.

Rep. S. Torres: I just hope that the assessment for the smelly odor is included taking into account the Puerto Rico plant. Did they take that into consideration?

Speaker Hofschneider: That's why they're still going back and forth on the environmental issues. Ready?

Several members voiced, "ready."

The Chair recognized Representative Palacios.

Rep. A. Palacios: I understand the concerns of my colleagues from Precinct I but if I understand you correctly, Mr. Speaker, they're still going back and forth as to which system to use then I can assure you it's not going to happen next year. It'll probably take another year and a half at the most, so I think that the money would be there and we can assure them of replenishing this project. The prison project is ongoing and needs to be supplemented. I believe that, like you said, the funds will be there by the time that we're ready to do the Kagman treatment plant. I will keep that in mind also if the time comes that the money is ready to be appropriated and that we replenish these funds to this sewer treatment plant.

Speaker Hofschneider: Thank you. Ready. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-252 on First and Final Reading is as follows:

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

Rep. Deleon Guerrero: I'm sorry, I have to vote no.

Rep. Joseph P. Deleon Guerrero	no
Rep. Arnold I. Palacios	yes

Rep. H. Palacios: I share the same concern that the Vice Speaker stated. I am respectfully voting no.

Rep. Herman T. Palacios	no
Rep. Norman S. Palacios	excused
Rep. Daniel O. Quitugua	excused

Rep. Salas: Mr. Speaker, I vote yes but I want to make sure that the money is replenished.

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

Vice Speaker Tenorio: Mr. Speaker, one reason is why – and I haven't made up my mind yet how to vote but I don't like it. I'd like to hear more discussion on the issue, Mr. Speaker, just get reassurance that whatever money that's taken away from the project is replenished in time because I don't believe in this nonsense that this is not going to happen in one year. If the contractor can't do it, they should be fired. They can't be continuously sitting on this and wasting their time. That's not a reason. According to Congressman Deleon Guerrero they already have three sites picked out to do the project. I don't see that it'll take one year for them to make up their minds which site to use. But the fact of the matter, Mr. Speaker, I have seen projects in Precinct I stay idle for a long time and the Legislature, this body, continue to salvage little by little until we can't do the project. And I hope this doesn't happen to this very important project. This is for health reasons. That place is very crowded and something needs to be done to address the problem of the sewage

because if we don't do it, sooner or later we're going to have a huge health problem there, Mr. Speaker. That's my only concern. I don't know if I can ask my two colleagues to reconsider their vote but I hope that I can shed more light to this and with the assurance...

Speaker Hofschneider: Vice Speaker, I reassure you that if we cannot trust Vicky Villagomez, Chuck Jordan and CDA that they will in fact replenish that...

Vice Speaker Tenorio: Mr. Speaker, I trust Vicky and CDA but I cannot trust Chuck Jordan for heaven's sake. Let me put that on record. How many projects do we have that have been idle...

Speaker Hofschneider: Then let's trust Vicky and CDA. Honestly, with all sincerity, we raise that so...

Vice Speaker Tenorio: Mr. Speaker, just to...

Speaker Hofschneider: I ask you to support it, Vice Speaker, please, and ask the two to reconsider ...

Vice Speaker Tenorio: I know that if I vote "no" the bill will pass anyway.

Speaker Hofschneider: Well, I think, Vice Speaker, we have an urgency with the consent decree.

Vice Speaker Tenorio: But I trust you, Mr. Speaker, and I trust we do have a consent decree to abide with and that we are building a very beautiful and very expensive jail to put the prisoners in and there goes the Kagman wastewater project, Mr. Speaker. With your support, Mr. Speaker, and I know that you're not going to lie to us...

Speaker Hofschneider: I won't.

Vice Speaker Tenorio: I vote yes.

Speaker Hofschneider: Clerk, I'm going to ask reconsideration from Representatives Palacios and Deleon Guerrero. Representative Deleon Guerrero?

Rep. Deleon Guerrero: Mr. Speaker, the reason I voted no is because you did not answer my question. I asked if CUC has been advised of this matter...

Speaker Hofschneider: I believe so. According to Vicky Villagomez she will not move any fund because it has to go to the Department of the Interior anyway for any reallocation or re-appropriation. So I believe that she has done her part. It will not reach the House by way of request if they have not cleared the matter.

Rep. Deleon Guerrero: I'm sorry, Mr. Speaker. I know you already have enough votes to pass this and until such time that I get some assurance myself, I cannot in all good conscience support this. That Kagman project is underway as far as I'm concerned and while there are a few glitches, I cannot participate in any action that would stop that progress. I cannot. I am the PUTC Chair, I know right now Kagman -- everyday that we wait has the potential to impact the livelihood of those people in the Kagman community because the wells are situated within the homestead area, among the houses, and it accumulates waste everyday. I cannot.

Speaker Hofschneider: Thank you, Representative Deleon Guerrero. Representative Palacios, if there's no reconsideration then we'll continue with the vote.

Rep. H. Palacios: Mr. Speaker, if I can have reassurance in writing I will vote yes.

Speaker Hofschneider: You want it now?



Rep. H. Palacios: As soon as possible.

Speaker Hofschneider: Clerk, continue.

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

Speaker Hofschneider: By a vote of 9 “yes”, 2 “no” and 7 “absent”, H. B. NO. 13-252 is hereby passed on First and Final Reading. Thank you and I reassure the Precinct I Representatives that the money will be replenished.

Vice Speaker Tenorio: Thank you, Mr. Speaker.

The Chair recognized Representative Arnold Palacios.

Rep. A. Palacios: Mr. Speaker, this infrastructure problem continues to haunt us after we develop homesteads. Kagman community is a product of our Homesteading Program. It really manifest the lack of planning on our part, on our agencies that are responsible. It calls for infrastructure development, which we give to CUC and homestead development, which we have mandated to MPLA. I think that if anything we need to go back and require MPLA also to pitch in funds for this sewer treatment plant. If anything we should require MPLT to fund part of this project rather than looking for investments in some “lala land” programs that we’ve had in the past few days. Because these homesteaders, these people who have been issued homesteads are of Northern Marianas descent and the community that they live in is of public land program mandated by our Constitution, Mr. Speaker. So I urge my two colleagues to consider legislation requesting MPLA and MPLT to finance part of this cost of the sewer plant. Thank you.

The Chair recognized the Floor Leader.

Floor Leader Attao: One more bill, Mr. Speaker. I move for the passage of H. B. NO. 13-246 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-246: A BILL FOR AN ACT TO CLARIFY THE INTENT OF THE COMMONWEALTH CONSTITUTIONAL AMENDMENT 38, SECTION 2a; AND FOR OTHER PURPOSES.

Speaker Hofschneider: *Hafa ilek-ña i Chairman? Taigue i Chairman.*

Rep. Babauta: *Hu manao.*

Speaker Hofschneider: *Ilek-ña para hu go'ti.* Short recess.

The House recessed at 4:10 p.m.

## RECESS

The House reconvened at 4:11 p.m.

Speaker Hofschneider: We’re back to our session and Floor Leader?

Several members voiced, “ready.”

Speaker Hofschneider: Can we move?

Floor Leader Attao: I did.

Speaker Hofschneider: Motion for the passage on First and Final Reading on H. B. NO. 13-246 has been seconded. Discussion on the bill?

Rep. Babauta voiced, “ready.”

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-246 on First and Final Reading is as follows:

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

Rep. A. Palacios: Mr. Speaker, I will, with reservation, support this if I can get assurance from my colleague that everything is in order.

Rep. Babauta: I would reassure you about your funding. Don't worry.

Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	yes
Rep. Norman S. Palacios	excused
Rep. Daniel O. Quitugua	excused
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	excused
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 11 “yes”, 7 “absent”, H. B. NO. 13-246 is hereby passed by the House on First and Final Reading. Floor Leader, could you please make a motion to refer H. B. NO. 13-247? This is by request of the counsel, please, it needs some fixing.

Floor Leader Attao: So moved.

The motion was seconded.

Floor Leader Attao: Refer to what committee?

Speaker Hofschneider: We'll refer it to the Criminal Justice Project. Discussion on the motion?

Several members voiced, “ready.”

There was no discussion, and the motion to refer H. B. NO. 13-247 to the Criminal Justice Project under the Committee of Judiciary and Governmental Operations was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader, recess?

Floor Leader Attao: I move to recess subject to the call of the Chair.

The motion was seconded.

Speaker Hofschneider: *I bill CJIS munggi? Ti un move?*

Floor Leader Attao: No, I thought we're only going to adopt the special committee report.

Speaker Hofschneider: Floor Leader, could you reconsider your motion?

Floor Leader Attao: I move to withdraw my motion.

There was no objection from the floor.

Speaker Hofschneider: Thank you.

Floor Leader Attao: *Para ta pass este, Mr. Speaker?*

Speaker Hofschneider: *Pass gi First and Final Reading.*

Floor Leader Attao voiced, "ready."

Rep. Babauta: Committee of the Whole, Mr. Speaker.

Speaker Hofschneider: Motion for passage on First and Final Reading.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-251 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-251: A BILL FOR AN ACT TO ESTABLISH A COMPREHENSIVE AND COORDINATED INFORMATION SYSTEM TO COLLECT CRIMINAL JUSTICE INFORMATION, MAINTAIN IT SECURELY AND DISSEMINATE IT; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Discussion on the bill?

Several members voiced, "ready."

Speaker Hofschneider: Ready. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-251 on First and Final Reading is as follows:

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

Rep. Pedro P. Castro	excused
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	yes
Rep. Norman S. Palacios	excused
Rep. Daniel O. Quitugua	excused
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	excused
Rep. Heinz S. Hofschneider	yes

Speaker Hofschneider: By a vote of 11 “yes”, 7 “absent”, H. B. NO. 13-251 is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao moved to recess subject to the call of the Chair, was seconded and carried by voice vote.

The House recessed at 4:17 p.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk  
House of Representatives

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APPEARANCE OF LOCAL BILLS

**H. L. B. NO. 13-039:** To re-appropriate the sum of One Hundred Twenty Thousand Dollars (\$120,000.00) from the fees collected under Saipan Local Law 11-2 and appropriated by Section 3.1. of Saipan Local law 13-7, for the A & E design and construction of a social hall within the As Matuis community and the paving of a parking lot for the social hall; and for other purposes. (REP. FRANCISCO DLG. ALDAN) 2/4/03 [3<sup>rd</sup> Appearance]