



House Journal

FIRST SPECIAL SESSION, 2003

Second Day

April 9, 2003

The House of Representatives of the Thirteenth Northern Marianas Commonwealth Legislature convened in its **Second Day, First Special Session on Wednesday, April 9, 2003, at 11:23 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. All eighteen members were present.

ADOPTION OF JOURNAL

None

PREFILED AND INTRODUCTION OF BILLS

None

PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 13-123: A House Resolution to express our condolences to the First Lady Fagaoalii and the Sunia Family on the sudden and tragic passing of Governor Tauese Pita Fiti Sunia of American Samoa.

Offered by: Rep. Manuel A. Tenorio and seventeen others

Vice Speaker Tenorio: If there's no objection, Mr. Speaker, I'd like this to be cosponsored by the Committee of the Whole.

Speaker Hofschneider: No objection. Any more resolutions for introduction? None. We'll dispense of the subsequent Order of Business and move down to Resolution Calendar.

There being no objection; the House went down to Resolution Calendar.

MESSAGES FROM THE GOVERNOR

None

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

None

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

The Chair declared a short recess at 11:20 a.m.

RECESS

The House reconvened at 11:27 a.m.

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

Floor Leader Attao moved for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the adoption of H. R. NO. 13-123, 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 adoption of H. R. NO. 13-123.

The motion was seconded by Rep. Babauta.

H. R. NO. 13-123: A HOUSE RESOLUTION TO EXPRESS OUR CONDOLENCES TO THE FIRST LADY FAGAOALII AND THE SUNIA FAMILY ON THE SUDDEN AND TRAGIC PASSING OF GOVERNOR TAUESE PITA FITI SUNIA OF AMERICAN SAMOA.

Speaker Hofschneider: The motion for the adoption of H. R. NO. 13-123 has been seconded. Discussion on the resolution? Does anyone have a question on the resolution?

Rep. Babauta: Mr. Speaker.

The Chair recognized Representative Babauta.

Rep. Babauta: Because this is a highly diplomatic resolution, I recommend that the author and the clerk be given opportunity to make changes on the wordings on this or for any resolution going to U. S. entities should the need arise before transmitted. Thank you.

Speaker Hofschneider: Thank you. Ready?

Several members voiced, "ready."

There was no further discussion, and the motion to adopt H. R. NO. 13-123 was carried by voice vote.

Speaker Hofschneider: H. R. NO. 13-123 is hereby adopted by the House.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Attao moved to recall S. B. NO. 13-39, SD1 reference to SEN. COMM. 13-19 from the Committee on Judiciary & Governmental Operations, was seconded by Rep. Babauta and carried by voice vote.

S. B. NO. 13-39, SD1: A BILL FOR AN ACT TO DISCOURAGE IRRESPONSIBLE PROTESTS AGAINST AN AWARD OF A BID OR A REQUEST FOR PROPOSAL PURSUANT TO PROCUREMENT LAWS OF THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Speaker Hofschneider: S. B. NO. 13-39, SD1 is on the floor. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. If there's no objection from the members, Mr. Speaker, I move to place S. B. NO. 13-39, SD1 on today's calendar for action.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: The motion to place S. B. NO. 13-39, SD1 on today's calendar for action has been seconded. Discussion on the motion?

Rep. Babauta voiced, "ready."

The Chair recognized Representative Quitugua.

Rep. Quitugua: Why did we recall it in the first place?

Floor Leader Attao: Why did we recall it – to act on it today. This is an urgent bill as requested by the Chairman.

Rep. Quitugua: Thank you, Mr. Speaker.

Rep. Ada: Privilege.

Speaker Hofschneider: State your privilege.

Rep. Ada: Just to caution the Floor Leader that I have an objection. When the committee deliberated on that bill, we questioned the word “frivolous.” How do you measure frivolous or ridiculous protests?—That is what we deliberated on. It’s not that we just wanted to hold the bill back. I remember the discussion was focused on the word frivolous and how does one measure ridiculous complaints.

Speaker Hofschneider: Representative Ada, you’re going out of order. Could you refrain until we get into discussion of the bill?

Rep. Ada: Oh, sorry, Mr. Speaker. Thank you.

Speaker Hofschneider: The motion is for the placement of the bill on the calendar so we can debate it.

Several members voiced, “ready.”

There was no further discussion, and the motion to place S. B. NO. 13-39, SD1 on the calendar was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao moved for the suspension of Rule VII, Section 10, Rule IX, Sections 9, 10 and 11 for the passage of all the bills appearing on the day’s calendar, 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 passage of H. B. NO. 13-271 on First and Final Reading.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-271: A BILL FOR AN ACT TO RE-APPROPRIATE THE FUND BALANCES OF PUBLIC LAW NOS. 10-038, 11-067, 11-120, 12-024, 12-063, 12-073; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the passage H. B. NO. 13-271, Precinct I re-appropriation of fund balances, has been seconded. Discussion on the bill?

Rep. Babauta: Mr. Speaker.

The Chair recognized Representative Babauta.

Rep. Babauta: I just wanted to find out from the author of H. B. NO. 13-271 whether or not he has the most recent projected fund balances or rather report from our CIP Coordinator from the Office of the Governor?

Speaker Hofschneider: Can the author identify himself or herself? Who's the author?

Rep. Deleon Guerrero: I am, Mr. Speaker.

The Chair recognized Representative Deleon Guerrero.

Rep. Deleon Guerrero: Thank you, Mr. Speaker. Yes, before we identified these fund balances we went back and checked with the CIP Coordinator, Ms. Vicky Villagomez, whether these balances are still intact. As far as her records are concern, they are available, so in answer to your question, yes.

Speaker Hofschneider: Representative Babauta, you have the floor.

Rep. Babauta: Last week we had a session where we debated on H. B. NO. 13-252 and there was reluctance on the part of that specific provision to re-appropriate fund balances or rather money from Kagman, primarily the Precinct I project for waterline that would augment the correctional facilities. I see some figures here coming from Kagman III homestead waterline and I wonder whether this has been consummated already or the project is completed.

The Chair recognized Representative Deleon Guerrero.

Rep. Deleon Guerrero: If I'm not mistaken, Mr. Speaker, H. B. NO. 13-252 proposes to appropriate \$1 million from the Kagman sewer treatment plant project, not the waterline.

Speaker Hofschneider: Is this fund balance as a result of the contract being closed?

Rep. Deleon Guerrero: Yes, balances of projects that have been completed and closed.

Speaker Hofschneider: Do we have a memorandum from CUC of the project being closed?

Rep. Deleon Guerrero: Mr. Speaker, I had my staff check with CUC. I can't say that I have a memorandum.

The Chair declared a short recess at 11:37 p.m.

RECESS

The House reconvened at 2:27 p.m.

Speaker Hofschneider: We're back from our recess and we were discussing H. B. NO. 13-271, Precinct I re-appropriation of fund balances. I believe that a question was posed to Representative Deleon Guerrero as to the contracts closed providing the fund balances to be authorized for appropriation. Recognized, Representative Deleon Guerrero.

Rep. Deleon Guerrero: Thank you, Mr. Speaker. I believe the question was specific to Item 6 on the bill. I have gotten verification from CUC that the contract has been completed and closed. That answers Representative Babauta's question. Mr. Speaker, we've subsequently found that H. B. NO. 13-204 also re-appropriated some of these funds. It's in the Senate now and so to avoid confusion, I would like to offer a floor amendment to delete some of those funds from this bill, if I may?

Speaker Hofschneider: Continue.

Rep. Deleon Guerrero: I would like to offer a floor amendment to amend H. B. NO. 13-271. On the title, strikeout "Public Laws 11-20 and 12-073."

Speaker Hofschneider: Public Law 11-120 or Public Law 11-20?

Rep. Deleon Guerrero: I'm sorry—"Public Law 11-120" and "Public Law 12-073" from the title. Under "Purpose" on line 2, I would like to add "Public Law 10-38" and strikeout "Public Law 11-120." On line 3, strikeout "Public Law 12-73" and on line 5, the amount of "\$48,476.00" should be replaced by "\$44,142.00", which is the total amount of the four fund balances that would be removed. Strikeout number "1" of Section 2 in its entirety, starting on line " " up to line 10. On Section 2, line 13, strikeout the number "3" as well as number "5" on line 15 in their entirety. On page 2, lines 2 and 3 strikeout the whole sentence after number "8" including "number 8" and then I'd like to ask that the items be renumbered accordingly.

The motion was seconded.

Speaker Hofschneider: An oral floor amendment offered by Representative Deleon Guerrero has been seconded. Discussion on the oral floor amendment? Representative Ada?

Rep. Ada: (Inaudible.)

Speaker Hofschneider: Can you state your point?

Rep. Ada: (Inaudible)...cross check that I found on H. B. NO. 13-204. On line 9 of H. B. NO. 13-204 is there on H. B. NO. 13-271. On line 9 is Public Law 10-38.

Speaker Hofschneider: Line 9 of what?

Rep. Ada: Line 9 of H. B. NO. 13-271.

Speaker Hofschneider: Line 9?

Rep. Ada: Lines 9 and 10. It's there on H. B. NO. 13-204. Okay.

Speaker Hofschneider: That's why he's striking it out because it's in there.

Rep. Ada: There's one more that needs to be stricken out.

Speaker Hofschneider: And that is?

Rep. Ada: There are two Public Laws 11-067 on H. B. NO. 13-271, which are on line 13 and 14 that's showing here. I appropriated fund balances from Public Law 11-067 on H. B. NO. 13-204. It says here, San Antonio power upgrade and power extension for Obyan. So on line 13 of H. B. NO. 13-271 the San Antonio power upgrade all the way to the power extension Obyan on line 14. The language on H. B. NO. 13-204 actually took out the amount of \$868.00 and \$3,290.00.

Speaker Hofschneider: Should also be stricken out?

Rep. Ada: Yes.

Speaker Hofschneider: So noted. So can you double-check the figures again – the sum of the total appropriation.

Rep. Ada: It should be \$40,852.

Speaker Hofschneider: No. On H. B. NO. 13-271.

Rep. Ada: Yes. *Chogue ha sa esta u chogue.*

The Chair declared a recess at 2:34 p.m.

RECESS

The House reconvened at 2:43 p.m.

Speaker Hofschneider: We're back to our session and we're running the computer to balance the figure. Representative Deleon Guerrero, do you have the figure?

Rep. Deleon Guerrero: Yes, Mr. Speaker. Before I do that, it affects the numbers of the bill, so I'd like to start again on the top with a subsidiary motion to strikeout "Public Law 11-67" and Public Law "12-73" on the title.

Speaker Hofschneider: Representative Deleon Guerrero, could you rephrase your motion completely from the start?

Rep. Deleon Guerrero: Okay, thank you. From the start, Mr. Speaker, I'd like to strikeout from the title "Public Law 11-067," "Public Law 11-120" and "Public Law 12-073." On page 1, line 2 on the Purpose Section include "Public Law 13-038, strikeout "Public Law 11-067", "Public Law 11-120" and "Public Law 12-073". On line 5 "\$48,476.00" should be changed to "\$40,852.00." On the same line strikeout "Public Law 11-067" and substitute it with "Public Law 10-038." On line 6 strikeout "Public Law 11-120" and "Public Law 12-073." Lines 9 and 10 should be deleted in its entirety.

Lines 13, 14 and 15 should be deleted in its entirety. On page 2, lines 2 and 3 should be deleted in its entirety. Any questions, seconds?

The motion was seconded.

Speaker Hofschneider: The oral floor amendment offered by Representative Deleon Guerrero has been seconded. Discussion on the oral floor amendment?

Rep. Ada: Mr. Speaker.

Speaker Hofschneider: Representative Ada, you have another concern?

Rep. Ada: No. Let me remind everybody that on H. B. NO. 13-204 the money to be re-appropriated on Public Law 10-038 is there. I have a copy of it.

Speaker Hofschneider: Representative Ada, in H. B. NO. 13-204 is the \$2,000 fund balance from Kagman II, Tanapag Police and Fire Substation included?

Rep. Ada: It's Police and Fire substation, Kagman II and lighting for Dandan Homestead baseball field, that's included.

Speaker Hofschneider: The \$2,000?

Rep. Ada: Both. Fire substation, for Kagman II and Dandan homestead baseball field lighting. So it has to include lines 11 and 12 of H. B. NO. 13-271.

Speaker Hofschneider: So strikeout additionally lines 11 and 12. So that would reduce the \$40,852 to \$38,852?

Rep. Ada: Yes.

Speaker Hofschneider: Can you make a motion to that?

Rep. Ada: Subsidiary motion, Mr. Speaker, to strikeout lines 11 and 12 in their entirety.

The motion was seconded.

Speaker Hofschneider: The subsidiary motion offered by Representative Ada to include "lines 11 and 12" on H. B. NO. 13-271 has been seconded. Discussion on the subsidiary motion to include in the floor amendment?

Rep. Deleon Guerrero: We need to amend further to remove Public Law 10-038 from the bill. Can we include that in the subsidiary motion?

Speaker Hofschneider: So noted. Any reference to "Public Law 10-038" shall be stricken out. Representative Babauta.

Rep. Babauta: Thank you. I noticed that a recent legislation that was authored by the Vice Speaker and became public law appropriated the amount that is reflected on page 1, line 16.

Speaker Hofschneider: What Public Law?

Rep. Babauta: Public Law 13-45.

Speaker Hofschneider: Continue.

Rep. Babauta: I believe \$31,000 was appropriated for Dandan Collateral Equipment.

The Chair declared a short recess at 2:45 p.m.

RECESS

The House reconvened at 2:49 p.m.

[beginning of recording]

Rep. Babauta: Just on clarification, I was also going to clarify line 16 but I would withdraw, Mr. Speaker.

Speaker Hofschneider: Thank you. Ready?

Several members voiced, "ready."

Speaker Hofschneider: We're voting on the amendments offered by Representative Deleon Guerrero. Ready. Clerk, roll call on the amendments.

The roll called on the amendments offered by Representative Deleon Guerrero 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	yes
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: We're now voting on the bill. Ready for the question?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-271, 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	yes
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	yes
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: By a vote of 18 "yes", H. B. NO. 13-271 as amended is hereby passed by the House on First and Final Reading. Floor Leader.

Floor Leader Attao: If there's no objection, can we go back to Item 6?

There being no objection; the House went back to Item 6, Senate Communications.

SENATE COMMUNICATIONS

The Chair recognized the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of SEN. COMM. 13-170 and SEN. COMM. 13-171.

The motion was seconded.

Speaker Hofschneider: Could you include SEN. COMM. 13-172? It's being copied.

Floor Leader Attao: And SEN. COMM. 13-172. Thank you, Mr. Speaker.

SEN. COMM. 13-170: Return of H. B. NO. 13-274 (\$6,480,000 appropriation for the Commonwealth Prison Project), which was passed by the Senate with amendments on April 9, 2003.

SEN. COMM. 13-171: Return of H. B. NO. 13-251 (Criminal Justice Information Act of 2003), which was passed by the Senate with amendments on April 9, 2003.

SEN. COMM. 13-172: Return of H. B. NO. 13-002, HD1 (Accountancy Act of 2002), which was passed by the Senate with amendments on April 9, 2003.

Speaker Hofschneider: The motion for the acceptance of SEN. COMM. 13-170, SEN. COMM. 13-171 and SEN. COMM. 13-172 has been seconded. Discussion on the Senate Communications?

There was no discussion, and the motion to accept SEN. COMM. 13-170, SEN. COMM. 13-171 and SEN. COMM. 13-172 was carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader.

Floor Leader Attao moved for the placement of H. B. NO. 13-274 as amended, reference SEN. COMM. 13-170, H. B. NO. 13-251 as amended, reference SEN. COMM. 13-171 and H. B. NO. 13-022 as amended, reference SEN. COMM. 13-172 on the calendar, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. We're back to Bill Calendar.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendments on H. B. NO. 13-251, HD1.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-251, SD1: 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: The motion for the acceptance of the Senate amendments on H. B. NO. 13-251 on First and Final Reading has been seconded. Discussion on the Senate amendments?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to accept the Senate amendments on H. B. NO. 13-251 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	yes
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: By a vote of 18 “yes”, H. B. NO. 13-251 as amended by the Senate in the form of SD1 is hereby passed by the House. For the record, this is the first bill out of the Criminal Code Committee that we have put together. I want to make note of that because we have in fact embarked in the Criminal Code Revision. I want thank our counsels, the Senate counsels, the AG, the Judicial Branch and Criminal Justice Divisions and Programs that have contributed one way or another. This is a remarkable piece of legislation and I want to thank you.

Rep. Babauta: Your welcome, Mr. Speaker.

The Chair recognized the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendments on H. B. NO. 13-274.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-274, SD1: A BILL FOR AN ACT TO FULLY FUND THE COMMONWEALTH PRISON PROJECT BY APPROPRIATING THE TOTAL SUM OF \$6,480,000 FROM AVAILABLE FUNDING SOURCES AND BY AMENDING PL 12-64, AS AMENDED BY PL 13-18, TO IDENTIFY ADDITIONAL REVENUE SOURCE FOR REPAYMENT OF BOND ISSUANCE; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the acceptance of the Senate amendments on H. B. NO. 13-274, SD1 has been seconded. Discussion on the amendments? Representative Arnold Palacios?

Rep. A. Palacios: Mr. Speaker, I believe that everybody has noted the changes, the additional \$1.3 million to the First and Second Senatorial Districts a piece. This is the type of legislation, Mr. Speaker, of what I had indicated in the last session because of the magnitude and importance of funding the prison project. I’ll first go around on this issue where the \$2.5 million that was

subsequently vetoed was basically hostage up in the Senate because of the desire of the First and Second Senatorial Districts to get additional appropriation legislation of \$1 million, \$500,000 for Route 100 and reservoir for Tinian. We passed that; sent it up to the Senate and that particular legislation was approved by the Governor and the \$2.5 million funding for the prison project was subsequently vetoed. Here we are again, we passed legislation that will hopefully satisfy the Administration and we passed that after consulting and working it out with the Attorney General and our CIP Coordinator. We passed H. B. NO. 13-274 on our last session and I specifically and even with ingest commented that I hope that there's no tail following this legislation. It seems that this seems to be the modus operandi in CIP legislation funding critical and sometimes almost a crisis type of cooperation that we have to pass by attaching to it riders so that it could subsequently be passed by the Senate. We have one that we passed and ended up being vetoed. We gave \$1 million as a prize, now we're looking at another \$2.6 million as a prize to pass this legislation again or to get this legislation out of the Legislature. This is very disturbing. If I'm not mistaken, Mr. Speaker, I've talked to some of the veteran lawmakers in this house and it seems that this continuous to be a practice. The consent decree that forces us today and forced us in our last session to pass an appropriation bill to fund the prison project is a Commonwealth-wide consent decree. It's not a consent decree to the Third Senatorial District. The Commonwealth prison project is not a Saipan prison project therefore the Third Senatorial District should not be the only one paying for this prison. I would have loved to see some of this CIP money funding such a critical infrastructure in our senatorial district, particularly, in my precinct, such as, water projects. Last week I got two, three calls from constituents who haven't had water for a week. It seems like our Third Senatorial District is always getting the raw end of the stick in that when there is a administrative order by EPA we have scramble to find money for our landfill, which was subsequently funded for operations by the Environmental Beautification Tax, and was hostage because of certain provisions in the bill that identified 10% of the tax that was going to be collected here to go the First and Second Senatorial Districts landfill, which is nonexistent. Today, again, we see that we are the only senatorial district contributing to resolving issues with the Federal Justice Department consent decree, yet when it comes to distribution, our brothers in the First and Second Senatorial Districts pull their distributions out. Wouldn't it have been more equitable to fund this project in a pro rata distribution or contribution if you may and then distribute the balance of the \$5.8 million according to a formula set in the CIP laws of the Commonwealth? Or for that matter, Mr. Speaker, wouldn't that have been more equitable to take the \$5.8 million and take that money and put everything into funding the completion of the prison project? It's very disturbing. I don't want to continue to kick at this donkey but when it's staring at you in the face, Mr. Speaker, you cannot ignore this, you cannot ignore this. This is a modus operandi that has been in existence and we really need to stop it. Every senatorial district, every precinct, especially in the Third Senatorial District when even amongst ourselves within the Precincts of the Third Senatorial District compete for funding. I hope that we don't see these kinds of shenanigans in the next CIP appropriation. I don't know what to make of this, Mr. Speaker, but the Senate is very ... It is disappointing that we continue to do this. Isn't the Senate part of this whole government? I can understand trying to secure port barrel legislation for your precinct but when you have a Department of Justice consent decree that mandates the whole Commonwealth to complete a project then it should be a commitment by the whole Commonwealth not just by one senatorial district. Thank you, Mr. Speaker.

Speaker Hofschneider: Any other comments? Representative Cabrera.

Rep. Cabrera: Thank you, Mr. Speaker. Mr. Speaker, I honestly would like to say that I recognize and I respect the uniqueness of some of the projects within the three senatorial districts. However,

this is a critical piece of legislation for a very critical project that is CNMI-wide. I, too, resent that these types of legislations are being used as a mechanism to grab a piece of a pie that has yet to be sliced. I think that it's important that all of us irrespective of which senatorial district we come from that we all try to help each other in trying to make sure the projects, such as this, become a reality. Mr. Speaker, this is worrisome. If we all recognize the need to do that as a CNMI-wide or as a people there's no reason for territorial issues to become obstacles towards progress. Mr. Speaker, for that, I would have to declare that I'm reluctant to support this measure as it is. That's it, Mr. Speaker.

Speaker Hofschneider: Thank you. Any other comments?

Rep. Babauta: Point of information.

Speaker Hofschneider: State your point.

Rep. Babauta: Thank you. On page 2, Section 3 I might need the legal counsel's advice on this. While Section 3 stipulates the amount of \$1 million previously allocated for the new public health building under Saipan and Northern Islands Legislative Delegation Resolution 12-2, D1 provided for by Public Law 12-64 is hereby re-appropriated to finance. On Section 5, Mr. Speaker, on the second sentence, the legislative delegation for the senatorial district for which the funds are appropriated may reprogram funds and this section went to cite also Section 3 of the previous provision. This is only giving me the impression that anything that is authorized under Saipan and Northern Islands Legislative Delegation Resolution 12-2, D1 can be appropriated by the delegation. Is this correct?

Speaker Hofschneider: In the previous appropriation on Capital Improvement Projects it authorizes the respective delegations to do reprogramming through delegation resolution. That's merely the authorization, it is no vehicle for the delegation level but if... [end of recording...beginning of recording] ...of Commonwealth-wide law to reprogram funds or re-appropriate the funds.

Rep. Babauta: May I continue, Mr. Speaker? I share the previous speakers sentiment with respect to the amendments. However, I'm concerned that time is of essence in terms of development having to have enough funds to fully fund the prison facility and the new prison project. However, I'm more concerned, Mr. Speaker, because we have recently adopted a legislation that includes the dialysis for our people in Rota and Tinian, the half a million dollars appropriation to the extent whether or not their sufficient funds both from the so-called uncut pie and what CDA have identified. I'm concern that these bills now before the Governor could **circumvent** what have been signed pending the interest to be generated whether or not this would come first or the others. That's the concern that I personally have. Which one is which, in terms of priority. I support, Mr. Speaker, the bill as amended by the Senate but with reservation on which is to be funded first, this one or the others. Thank you.

The Chair recognized the Vice Speaker.

Vice Speaker Tenorio: Mr. Speaker, as previously mentioned this kind of legislation is really holding the Third Senatorial District hostage of projects that we don't even know where it's going into. I think there's a CIP formula that we follow when we have to split the pie between the three senatorial districts. I stand corrected but if I'm not mistaken, the First and Second Senatorial Districts are entitled to 1/8 of the CIP. With that formula, Mr. Speaker, I really have no objection for

them allocating funds from the CIP or whatever project they want to do but to just split the pie the way they split now when we know very well especially from the precinct that I come from where we have so many projects, Mr. Speaker, that we need to do. Precinct I is the largest precinct in the entire Commonwealth. As a matter of fact, Precinct I alone will encompass the combined Rota and Tinian population. If I had known where these things are I'd use that \$1.3 million, which we can put into the project for the Airport Road and many of the roads that we have. We still need money to augment the limited funds that we have for the Kagman I, II and III sewer line project. We're trying to get money out of that to spread out and do some work in Precinct I. Those are projects that have been identified critically needed by the community but the funding is missing and now we have here \$1.3 million from this Covenant Funding going to the First and Second Senatorial District. \$1.3 million each for something that we didn't know because I think this is for port barrel legislation for the prison project. I have no objections again, Mr. Speaker, if this was done accordingly based on the formula that's used to split the pie, but I'm very concerned by the way this legislation came out. I think this legislation came out because they knew that we have to pass this measure. We are mandated by law to satisfy the prison's requirements and if we don't do it, if we have to vote down this bill then we can't accomplish what we intended to do in the first place. This is a tactic that I think will divide us more than unify the people of the Commonwealth. I would like to see justification, Mr. Speaker, for the \$1.3 million for both Rota and Tinian. This is something that I think the people in Saipan would like to know because they're suffering. Some previous speakers mentioned that they have very serious water problems and I'd like to use this \$1.3 million to build more wells in Precinct I. Because Dandan, for instance, the population continues to grow and people are complaining because they're over using the water, they're over pumping the water and they're getting salt water into their sinks. It's not even fit to wash food for consumption and these are the type of projects that I believe are justifiable. I am not really sure, Mr. Speaker, whether this is acceptable for all of us to go ahead and piecemeal the CIP that we have available for us in this fashion. I have very mixed feelings on this bill, Mr. Speaker, and I don't know if I'm even going to support it. Thank you.

The Chair recognized Representative Quitugua.

Rep. Quitugua: Mr. Speaker, if my fellow colleagues in the House would feel better, I think motion is in order to reject the amendment from the Senate.

Speaker Hofschneider: Before we move and recognize that motion, that's the very thing that I'm trying to avoid. It's exactly that action and behavior in that we all know the importance of such a bill and to test the resolve of the Third Senatorial District to reject such an amendment on the basis of the concerns that were raised is uncalled for. I will not solicit nor motivate one to subscribe to such notion. First of all, I think some of us here – if there's no objection on the floor, I'd like to take the privilege of extending my comments.

There was no objection.

Speaker Hofschneider: I think some of us have been privileged enough to stay here and serve in this capacity long enough to have an institutional memory on the origins of such capital improvement projects, revenues and resources and it has been the divisive issue, divisive nature of the three senatorial districts. Fortunately and unfortunately, it all depends on which side of the street you stand and observe from. Fortunate for the First and Second Senatorial Districts that a bicameral system allows for such democracy to offer, unfortunately for the Third Senatorial District, which

claims to have constantly and continually being the generator of resources of the Commonwealth and privileged that it is not the fault of the First and Second Senatorial Districts that major investments do not reside in their respective islands nor developers are inclined to live towards the First and Second Senatorial Districts but rather take the advantage and opportunities to develop and invest in the Third Senatorial District whereby the justification for the “burden” of the Third Senatorial District taxpayers and citizens. I want to put a stop to this and I will try everything possible to try and work in being realistically accommodating for the needs of the First and Second Senatorial Districts in comparison to the needs of the Third Senatorial District. I will restate that as a qualifier, the realistic needs of the First and Second Senatorial Districts, I will always look forward to that realistic need. My case in point is, yes, both the adult prison, the juvenile detention facility, which has recently been completed to a tune of \$5 million all came out of the Third Senatorial District. A portion or a share of the Covenant Funding and the bond proceeds the adult facility, which is close to \$20 million total in cost when completed came out again of the Third Senatorial District. Under the consent decree, one important factor or issue that was insisted by the Department of Justice and that is Rota and Tinian cannot be permitted to hold arrested individuals for more than 72 hours. Under federal law, you must have an adequate facility if you’re holding and arresting for more than 72 hours. The only way that Rota and Tinian can be permitted to detain an individual for more than 72 hours is if you have an adequate facility. Since the rationale is that maintaining not only constructing, but maintaining and operating a prison facility is the most comparable to any jurisdiction, the cost per prison does not really have a remarkable difference from jurisdiction to jurisdiction. Therefore, if the wishes of the First and Second Senatorial Districts are to be respective and be allowed to also duplicate the facility, such as the adult facility and the juvenile facility, by all means the only requirements to conform to are some standards and Federal guidelines. The needs for appropriating funds now becoming the contention in the division of the First and Second Senatorial Districts against the Third Senatorial District is the need for a dialysis center. Let me remind everyone that I’ve done my part to articulate the practicality and realistic needs and the purpose of having a dialysis as a center as opposed to satellite for a respective senatorial district dialysis facility. The only thing that we cannot justify is the human side and for that, the First and Second Senatorial Districts has a claim. They have a merit in their argument that they want to have duplicated facilities. The dialysis and public health expansion is accommodating over 25 dialysis stations, a state of the art facility and that is to accommodate the growing number of our citizens with kidney failures inclusive of Rota and Tinian patients. But if the desire on the human side is to have their own facility, then so be it. But I want to go on record, that this house would not short change in the budget process to substantiate the noncompliance or certification of the facilities to be built in Rota and Tinian to meet the requirements of Medicaid and Medicare, which 100% of our dialysis patients are on. The reimbursement is 100% with the stipulation that you must have all the ancillary services from emergency physicians to nurses that are properly certified to man dialysis patients and facility. This will be inevitable upon building Rota and Tinian dialysis center. In order for Rota and Tinian to have a reimbursable opportunity to take advantage of Medicaid and Medicare reimbursement they must comply to a standard. You must have at all times an anthropologist and they are not cheap – anywhere from \$120,000 to \$140,000 a year. For a small population the standard cost recovery of a facility you must have a minimum of 15 patients to break even in a dialysis center. So if it is the venture, the future endeavor of Rota and Tinian to privatize, then be aware that the break even costs 15 patients. If you have less than 15 patients, you must subsidize and if you cannot substantiate the standards of the facility to meet the certification of Medicaid and Medicare, then you will not be able to recover that. The only that you can come out with a subsidy is in the budget process, the CNMI budget annually and as it stands not a point of contention to further divide us. One only has to take a look at the apportionment of the budget process for the First and Second

Senatorial Districts appropriation in the budget, and that does not include the utilities that we're paying for Rota and Tinian. That does not include the medical supplies from CHC in central, in spite of the fact that we appropriate money for those health centers in Rota and Tinian. That does not include the payment of the bond for both PSS \$15 million in matching the \$15 million Covenant Funding for Public School System facilities, which Rota and Tinian also were privileged to have a share. That does not include the \$60 million that we floated to match the Covenant Funding. The revenue stream dedicated to pay for the annual bond payment comes from the Third Senatorial District. Yes, we have an agreement that, at a minimum, Rota and Tinian should get 1/8 portion each including any interest earned on the bond. What I'm very disappointed of is the hostage of the first prison appropriation – only after we passed the \$500,000 appropriation. The bad faith is not in this house and not with these people. Particularly when that particular bill was signed into law and the prison facility was vetoed only to come to full circle. Again, I don't raise any issue with the distribution of the balance of the \$5.8 million unmatched Covenant Funding for 2003. I think it's appropriate that Rota and Tinian gets their share, but I am appealing to both the Rota and Tinian Representatives, to please find it in your heart to – that it is difficult enough to carry the biggest chunk of the burden in the Third Senatorial District. And all we're saying is, if there's a common problem attributed to the Commonwealth-wide not on the basis of the respective senatorial consent, then find it in your heart to also chip-in. That's all we're asking, we're not asking too much. I think you will find us always with open arms and ready to assist the First and Second Senatorial Districts. I hope that the Rota and Tinian Representatives today in the House, with the passage of H. B. NO. 13-274, I hope that the \$1.3 million now since it's not specifically earmarked for a particular project that we can all conclude the \$1 million being contested by the President of the Senate this morning having passed the MRC Settlement on the floor went on record to hold hostage the MRC from being transmitted to the House for me to transmit it to the Governor until I resolve the \$1 million each for the dialysis. I have resolved it; it's in front of me. Since the Senate amendment did not dedicate it or earmark the \$1.3 Covenant Funding may I solicit the Rota and Tinian Representatives to please show the reciprocal camaraderie and cooperation and faith and now we can resolve that the \$1.3 million each can be used to begin construction of your dialysis center for Rota and Tinian. I think it's only fitting, it's right, and it's decent if we resolve this matter. For all I care, MRC can die up in the Senate. I've had it. I will not be subjected to another blackmail. Thank you.

Floor Leader Attao: Mr. Speaker, point of information or clarification.

Speaker Hofschneider: Floor Leader, state your point.

Floor Leader Attao: You mentioned about the \$1 million that's for us, and this morning the Senate passed the bill that would allow CDA to release \$1 million for each island to cover the dialysis project.

Speaker Hofschneider: That's under Public Law 13-18.

Floor Leader Attao: No, that one is to borrow.

Speaker Hofschneider: Yes.

Floor Leader Attao: And the one that they passed this morning is to use the interest earned from CDA.

Speaker Hofschneider: What bill?

Floor Leader Attao: That's my bill.

Speaker Hofschneider: No.

Floor Leader Attao: Yes. The bill that was signed into law was...

Rep. Quitugua: H. B. NO. 13-136.

Speaker Hofschneider: H. B. NO. 13-136? I've held it back ever since we passed that. I've not transmitted it to the Governor for signature. I've held it.

Floor Leader Attao: I thought the Senate passed this.

Speaker Hofschneider: No, it was already done a long time ago and the clerk can attest that I gave an instruction to hold it because you came up with Public Law 13-18, which is the same as the Floor Leader's bill, so there's no slide of hand in the House. I don't know what's going on up in the Senate. If you look at your bill and you look at the Floor Leader's bill that I instructed the clerk to hold off, it is of the same. You accomplished the \$1 million in search for each senatorial district. This is your bill. This is from Rota and Tinian, mind you, and I detest to be held hostage on the basis that you have a public law that you created, you drafted and consented by the Senate. I deprived the Floor Leader the opportunity for his bill to be signed into law on the basis that I need to cooperate with the First and Second Senatorial Districts long time ago before this blackmail or hostage situation started. Representative Quitugua?

Rep. Quitugua: Thank you, Mr. Speaker. I don't know why the emotion, Mr. Speaker, keeps going up but I thought we're discussing H. B. NO. 13-274, SD1.

Speaker Hofschneider: We are. Because the President this morning raised an accusation to the Speaker of the House.

Rep. Quitugua: Let me finish with all due respect, Mr. Speaker, that is the action of the Senate.

Speaker Hofschneider: From the First and Second Senatorial Districts.

Rep. Quitugua: I am from the First Senatorial District; I'm not a Senator, Mr. Speaker.

Speaker Hofschneider: I understand that and that's why I'm raising this fact, that I detest being held hostage.

Rep. Quitugua: Yes, Mr. Speaker, but I cannot be responsible for somebody's irresponsibility or action.

Speaker Hofschneider: I understand and if I by any way my remarks imply that you're responsible, no.

Rep. Quitugua: Okay, so let's, Mr. Speaker, if I still have the floor, if the issue here is the Senate amended H. B. NO. 13-274 to include the leftover CIP money in the amount of \$1.3 million for the First and Second Senatorial Districts, this bill is now before the House, it can be disposed of in two ways. One, accept the amendment or two, reject the amendment, Mr. Speaker. We have this bill for our disposition. Let's do one of those two things.

Speaker Hofschneider: Parliamentary speaking, you know darn well that if you reject this, the bill is as good as dead. You know that Rota and Tinian will not vote without their particular request and the reason for that is this house passed this bill without the First and Second Senatorial Districts inserted. So we know from a practical point that what you're asking this house to consider, passing it or rejecting it, if we reject the Senate amendment, which has to do with the First and Second Senatorial Districts accommodation, essentially this bill is dead. The importance is what is being taken advantage of. That's the point. It's not about why don't you introduce a bill separate from this and give the privilege to the First and Second Senatorial Districts \$1.3 million from the remaining Covenant Funding rather than muddling, taking the importunate of the gravity and essence of the prison project appropriation. So let's not kid around.

Rep. Quitugua: For the last time, Mr. Speaker, I'm trying to resolve the passionate feeling that members of the House has over the concern for the completion of the prison facility here on the island of Saipan. I got the feeling that you're addressing of the concern that members have with respect to the amendment are being addressed to myself or Representative Palacios. Neither one of us had anything to do with the amendment.

Speaker Hofschneider: Correct. Let me clarify...

Rep. Quitugua: I don't want to be subjected to the lecture of this and that, Mr. Speaker, with all due respect.

Speaker Hofschneider: Oh, no.

Rep. Quitugua: I supported the bill. We sent it up to the Senate; they amended it. Okay, we have to do it one of two ways.

Speaker Hofschneider: And the members of the Third Senatorial District are raising their dismay, their disappointment simply for the fact that I've stated, we bend over backwards already.

Rep. Quitugua: Yes, Mr. Speaker, with all due respect, I accept the concerns of the Representatives, but please stop this. If you want to emphasize your point, don't senatorialize your issue.

Speaker Hofschneider: This is exactly the point that the Senate did.

Rep. Quitugua: But the House didn't.

Speaker Hofschneider: The members from the Third Senatorial District in the Senate did not infuse this.

Rep. Quitugua: I hear you, Mr. Speaker.

Speaker Hofschneider: Correct. And it's for that reason that the Third Senatorial Representatives are raising their concern to the Senate.

Rep. Quitugua: Well, so then address that concern to the Senate.

Speaker Hofschneider: It is for the fact that....

Rep. Quitugua: I don't deserve to hear all of these, Mr. Speaker.

Speaker Hofschneider: I don't think that you deserve anything that you have nothing to do with.

Rep. Quitugua: Exactly.

Speaker Hofschneider: And I apologize, but it is fitting since you represent Rota and Representative Norman Palacios represents Tinian, that you convey the message and feelings and disappointments of the House from the Third Senatorial District.

Rep. Quitugua: Well, is that was the message then I will convey the message to the Senate. That doesn't sound like asking for a convene of a message.

Speaker Hofschneider: I thought I made it very clear from my opening remarks.

Rep. Quitugua: *Esta nai, Mr. Speaker, man hahalom hit talu gi otru na issue, man hahalom hit gi dialysis. Maila ya ta confine ha ya ta na funhayan este na issue gi este na subject.*

Speaker Hofschneider: Because it did not stop there. You were not **privy** to that meeting in the Senate when they called me up this morning. That's why I'm raising it for the members' benefit. If you detest that, then I apologize, but I need to share the information that transpired in the Senate this morning and apologize if my remarks were targeted or you felt that it was targeted on you personally as representing Rota. No, I am asking that please find it in your heart to find a way to resolve this and I think that I made my point very clear. I have no objection for Rota receiving \$1.3 million under the Covenant Funding. I made that very clear earlier. I do not object to that and I am supporting this and I am encouraging members to support it. But here's the resolution to the hitch now on the dialysis and on the MRC. It's pivoted around the availability of funding for the dialysis for Rota and Tinian. So now in respect to the discussion on H. B. NO. 13-274, SD1 in the prison appropriation, I am soliciting your cooperation as Representative for Rota and Representative Palacios representing Tinian, to please convene as a delegation and encourage your colleagues in the Senate from Rota and respectively from Tinian, to now look at this appropriation \$1.3 million Covenant Funding for 2003 and use it for the dialysis center that is real money – rather than to continue debating whether CDA can in fact find that bond interest anticipated for the dialysis as stipulated in Public Law 13-18. That's my message and that's all I'm saying. We're not opposing to the fact that Tinian \$1.3 million and Rota got \$1.3 million. I'm trying to put together and dispel this notion of division but please convey the message that I could care less about MRC's outcome now. I can only bend over once to show the good effort, the faith and the cooperation between the two houses but I will not do it again. Floor Leader?

Floor Leader Attao: Can we ask the Senate to cheap in because this is a Commonwealth-wide consent decree?

Speaker Hofschneider: I think we can sit down with the Tinian and Rota Delegations and iron it out because there's still money coming from the Covenant Funding other than the \$5.8 million that was specifically removed, the matching was removed so the remaining portion on the \$11 million Covenant Funding was stipulated to be matched. So where are we going to find the matching? If we use this as a division, Rota and Tinian will be hard press to find the matching and let's not do that.

Floor Leader Attao: Yes, but \$5.58 million is not matching and this is what we're trying to appropriate now.

Speaker Hofschneider: Yes, and I think that their particular needs, as I stated, the human side of constructing a dialysis center in Rota and Tinian no one can really object to that. So, all I'm appealing to Rota and Tinian is now that we will and I will ask the members to vote on this. So now the resolution to the \$1 million for each senatorial district is in limbo because CDA is hard press to find the funding for it. It's before us now – \$1.3 million for Rota and \$1.3 for Tinian. Use that for the dialysis center because obviously there is no specific need. It was just targeted to appropriate it and lock it – that's fine. So can we please cooperate now and use the \$1 million out of the \$1.3 and move on with the dialysis. Let's finish this argument once and for all. Representative Aldan?

Rep. Aldan: inaudible... for the dialysis. They might use it for something else and then again request for another million dollars for the dialysis if we're going to be introducing future appropriation bill that might be hold hostage again for the dialysis.

Speaker Hofschneider: I think that we can trust each other and that dialogue can continue. If they have other priorities then obviously we will be continually be debating and deferring on where the \$1 million is suppose to come because obviously Saipan cannot do away with the \$1 million because it's already committed Covenant Funding just to accommodate Rota and Tinian. That's unfair, totally unfair. You have \$13 million of Covenant Funding that is sitting idle. It's not moving so please look at those potential revenues if the priority is really in the needed construction of a dialysis center, move. You have that delegation authority to reprogram funds up to \$1 million, but to ask the Third Senatorial District to use its money to forego \$1 million each is uncalled for and that's all I'm saying.

Vice Speaker Tenorio: Point of clarification. Is there really a formula for the distribution of CIP that we use to follow the 1/8 for a senatorial district? Is this in black and white or is this transferred?

Speaker Hofschneider: In the previous 702 seven-year Covenant Funding it is stipulated in the appropriations that 1/8 portion and in the bond legislation also it's reiterated that at a minimum Rota and Tinian each should get 1/8.

Vice Speaker Tenorio: Is this CIP portion of the last CIP on the seven-year Stella Guerra funding? This is the last portion – isn't that part of that 1/8?

Speaker Hofschneider: We continue to carry that 1/8 formula.

Vice Speaker Tenorio: Because all we're asking, Mr. Speaker, seriously and I know the way this bill is drafted and it's just holding us hostage. If we don't do it then there's no prison and...

Floor Leader Attao: Mr. Speaker, I think that kind of amendment is just complying with the previous agreement in the 702.

Speaker Hofschneider: Correct.

Floor Leader Attao: What we need to do here is ask the Representatives from Tinian and Rota to give us something out of this because the consent decree is very important. We have to complete the prison and this is a Commonwealth-wide issue. So, I think it will not hurt Tinian and Rota to at least put the \$1.3 million into the prison project so that we can complete the project once and for all.

Speaker Hofschneider: More importantly, under Public Law 13-48 we gave up more of our share to accommodate \$500,000 for each senatorial district, the First and Second Senatorial Districts. Even at the conservative interpretation of where the \$500,000 is coming from, assuming the \$3 million is interest earned or accrued interest to be earned from the \$16 million bond \$275,000 is really realistic figure for each island, Rota and Tinian. We gave half a million dollars. Ready?

Floor Leader Attao: To pass? I have an oral floor amendment to offer, Mr. Speaker.

Speaker Hofschneider: If you have an oral floor amendment, we might as well kill the bill.

Floor Leader Attao: So one-minute recess, Mr. Speaker.

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

RECESS

The House reconvened at 4:03 p.m.

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

Floor Leader Attao: I move to end debate.

Speaker Hofschneider: Ready for the question?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-274 as amended by the Senate 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	no
Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes

Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	yes
Rep. Norman S. Palacios	yes
Rep. Daniel O. Quitugua	yes
Rep. Andrew S. Salas	yes
Rep. Benjamin B. Seman	no
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: Since this is also a borrowing legislation, 2/3 votes is mustered with a 16-2 vote, therefore H. B. NO. 13-274 as amended by the Senate is hereby passed by the House. Floor Leader, recess.

Floor Leader Attao: *Dos na bill or maybe uno na Senate bill ya ta na fan magof lokkue i Senate.*

Speaker Hofschneider: *I Senate ha fan naya. Etyo i recall.*

Floor Leader Attao: Yes. Thank you, Mr. Speaker. I move for the passage of S. B. NO. 13-39,SD1 on First and Final Reading.

The motion was seconded.

S. B. NO. 13-39, SD1: A BILL FOR AN ACT TO DISCOURAGE IRRESPONSIBLE PROTESTS AGAINST AN AWARD OF A BID OR A REQUEST FOR PROPOSAL PURSUANT TO PROCUREMENT LAWS OF THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Speaker Hofschneider: Motion for the passage on First and Final Reading S. B. NO. 13-39, SD1 has been seconded. Discussion on the bill?

Several members voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-39, SD1 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	yes

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: By a vote of 18-0, S. B. NO. 13-39, SD1 is hereby passed by the House on First and Final Reading. Floor Leader, recess.

Floor Leader Attao: Two more bills, Mr. Speaker. This is an urgent bill. The Accountancy and the...

Speaker Hofschneider: I thought we've disposed of the Accountancy Bill under Senate Communications.

Floor Leader Attao: We just placed it on the calendar for the Senate amendment.

Speaker Hofschneider: I'm sorry. Floor Leader?

Floor Leader Attao: Thank you, Mr. Speaker. I move for the acceptance of the Senate amendment on H. B. NO. 13-002, HD1, SD1.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-002, HD1, SD1: A BILL FOR AN ACT TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES AS CERTIFIED PUBLIC ACCOUNTANTS TO REGULATE THE PRACTICE OF ACCOUNTANCY IN THE PUBLIC INTEREST; TO ESTABLISH A BOARD OF ACCOUNTANCY AND PRESCRIBE ITS POWERS AND DUTIES; AND FOR OTHER PURPOSES.

Speaker Hofschneider: The motion for the acceptance of the Senate amendment to H. B. NO. 13-002, HD1, SD1 has been seconded. Discussion on the motion? Ready on the Senate amendment?

Rep. Babauta voiced, "ready."

Speaker Hofschneider: We're voting for the bill as amended. Ready?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to accept the Senate amendment on H. B. NO. 13-002, HD1, SD1 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	yes
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: By a vote of 18-0, the Senate amendment to H. B. NO. 13-002, HD1, SD1 is hereby accepted by the House. Move to recess.

Floor Leader Attao: One more bill, Mr. Speaker. *Guiya este i para i Mayor -- etyo i Procurement Regulation.*

Speaker Hofschneider: *Hafa na bill?*

Floor Leader Attao: H. B. NO. 13-273.

Speaker Hofschneider: Okay. Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. I move for the passage of H. B. NO. 13-273 on First and Final Reading.

The motion was seconded.

H. B. NO. 13-273: A BILL FOR AN ACT TO AMEND 1 CMC §§ 2253(j) AND 7404(a) AS AMENDED BY PUBLIC LAW 13-24.

Speaker Hofschneider: The motion for the passage on First and Final Reading H. B. NO. 13-273 has been seconded. Discussion on the bill? This is the Procurement amendment to the Mayor's Office. Floor Leader. Ready?

Floor Leader Attao voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-273 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	yes
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: By a vote of 18-0, H. B. NO. 13-273 is hereby passed by the House on First and Final Reading by the House. Representative Torres?

Rep. S. Torres: May I ask the indulgence of the Speaker of the House if we can go back to Item 7, please?

There being no objection; the House went back to Item 7, House Communications.

HOUSE COMMUNICATIONS

The Chair recognized Representative Stanley Torres.

Rep. S. Torres: Thank you, Mr. Speaker. A statement addressed to you as Speaker and to my colleagues. Blatant and repeated violations of CRM and DEQ water policies, regulations and Federal law by Tan Holdings Corporation and/or L&T Group of Companies for their barracks and garment factories are sufficiently serious and warrant Federal investigation. CRM issued its notice of violations and assessments of fines on December 23, 2002; DEQ issued notice of violation on December 2, 2001 with a follow up on January 25, 2002 and remember that Ignacio V. Cabrera was forced to retirement for reporting L&T and THC for the use of the contaminated deep-water wells for general uses, such as, drinking, washing dishes, food preparation and laundry. DEQ Environmental Surveillance Laboratory special sample data sheets indicated excessive fecal chloroform bacteria counts on March 24 & 25, 1999 for L&T drinking and washing water, therefore it's not surprising that such an outbreak occurred. What is surprising and disturbing is that Mr. Ignacio V. Cabrera lost his job because of that. You may recall that 1,100 L&T garment workers suffered from food poisoning. Why do we still allow the company to use contaminated chemical laden non-tested water three years after the fact? The mass food poisoning took place on March 23 & 24, 1999. There never was any testing for chemical or toxins. DEQ Director Juan I. Castro in response to an inquiry on three wells by L&T and THC wrote that contaminated water should only be used for laundry. I

disagree. Contaminated water should not be used for anything. Chemicals and/or toxin in washing clothes can cause skin disease. The fact that poison water is used on the garment should be cause for concern and alarm. L&T and THC have become masters of camouflage when it comes to OSHA inspection. As soon as notice goes out that inspectors are coming in, staffs scramble to trick them – instead of compliance it's disguise. All of these conspire to cheat the government and to maximize profits even if it comes to sewer wastewater. They have been doing this for so long, they are expert at it. Ironically, from THC and L&T's own letterhead dated February 10, 2003 letter to Juan I. Castro, Director of DEQ, confirming that their staff housing, barracks and garment factories at Lower Base are all receiving twenty-four hours of CUC water. May I ask why the rest of residential dwelling of Saipan are not getting the same? Furthermore, Tan Holdings is now asking to treat the combination of water from these wells using a reverse-osmosis unit and use it for human consumption. Are all units known not to be 100% effective in removing the type of contaminants we are finding in the CNMI? By copy of this letter, Mr. Speaker and my dear colleagues, I am officially calling on appropriate U. S. Congressional and Federal Agencies to conduct a total and thorough investigation into the continued use of contaminated water by L&T and THC. Sincerely yours, thank you.

Speaker Hofschneider: Thank you. Representative Quitugua?

Rep. Quitugua: I thought it was **yesterday**, Mr. Speaker, he wrote you a letter requesting for legal assistance in his case with Marianas Variety. If he meets the qualification, Mr. Speaker, I am supporting that request.

Speaker Hofschneider: Could you rephrase the last part? The letter requesting what?

Rep. Quitugua: For legal...

Speaker Hofschneider: Oh. The legal counsels are reviewing the request and I think by tomorrow we should have an answer for our good colleague and we'll share the findings with the rest of members.

Floor Leader Attao: Inaudible.

Speaker Hofschneider: So noted.

Floor Leader Attao: Inaudible.

Speaker Hofschneider: Correct.

Floor Leader Attao: Why don't we put that letter that Congressman Torres just delivered today under the House Communication so that we can rebut his statement because there are some statement there that's misleading and we need to clarify those things.

Speaker Hofschneider: Thank you. Representative Herman Palacios?

Rep. H. Palacios: Thank you, Mr. Speaker. We went over H. B. NO. 13-272 and we went under H. B. NO. 13-272, which are H. B. NO. 13-271 and H. B. NO. 13-273. Can we include H. B. NO. 13-272 in, Floor Leader?

Floor Leader Attao: I was alluding to that, Mr. Speaker.

The Chair recognized the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Mr. Speaker, if there's no objection, can we go down to Bill Calendar?

There being no objection; the House went back to Bill Calendar.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Attao: Thank you, Mr. Speaker. Final bill, Mr. Speaker, I move for the passage of H. B. NO. 13-272.

The motion was seconded by Rep. Babauta.

H. B. NO. 13-272: A BILL FOR AN ACT TO ROLLBACK THE TAX INCREASES AUTHORIZED BY PL 13-38; AND FOR OTHER PURPOSES.

Rep. Cabrera: Objection, Mr. Speaker.

Speaker Hofschneider: The motion to pass on First and Final Reading H. B. NO. 13-272 has been seconded. There is an objection on the floor. State your objection.

Rep. Cabrera: Yes, Mr. Speaker, after learning from the first bill, I would like to make a motion to refer that bill to the Committee on Ways and Means.

Speaker Hofschneider: Discussion on the motion to pass on First and Final Reading with the remarks made by Representative Cabrera in consideration? The discussion is for passage on First and Final Reading on H. B. NO. 13-272, the tax rollback on the cigarette.

Floor Leader Attao: I thought the discussion is on the objection.

Speaker Hofschneider: No. There was no second to that motion. The motion that I recognized has been seconded.

Floor Leader Attao: Mr. Speaker, I think this bill is very controversial. Originally, Mr. Speaker, the first bill was signed into law without the benefit of a public hearing. I know even myself I'm expected to **pass** the bill. However, Mr. Speaker, to get the input from the public I will strongly recommend that the Chairman on the Committee on Ways and Means joint with the Committee on Judiciary & Governmental Operations to conduct a public hearing so that we'll get the input of the general public most especially the businesses.

The Chair recognized Representative Torres.

Rep. S. Torres: In line with his comments, may I add the Committee on Health and Welfare to that public hearing? Mr. Speaker, I was advised that to approve this bill would create a great impact on the budget that's submitted to us from the Governor last week. So I recommend that it'll be referred to my committee and jointly assign to the Committee on Health and Welfare for a public hearing.

Speaker Hofschneider: What is the disposition of the members? May I see a raise of hands for referral for public hearing? Under discussion, we're still discussing it.

Rep. H. Palacios: I wasn't here when this bill was passed and I wonder if those things were not then the concerned of the House that they're now just raising concern?

The Chair recognized Representative Cabrera.

Rep. Cabrera: Mr. Speaker, I believe fifteen members were present that day and I personally remember the questions from the members with respect to the issues and concerns that propelled the existence of Public Law 13-38. As to the reason why this issue is resurfacing, that can only be answered by the members themselves who authored and co-authored the bill but, Mr. Speaker, in line with the objection to refer to committee, I have in my hand two copies of letters supporting the existing law inclusive of the Department of Public Health, CNMI Youth Alliance and the Office of Youth Affairs. There are several agencies that have submitted verbal request for the opportunity to provide testimony on Public Law 13-38 and I believe that short of calling the original bill, not having a public hearing on the original bill as an oversight, I would like to see that that opportunity be afforded to the appropriate agencies.

Speaker Hofschneider: May we hear a motion then...

Rep. Babauta: Mr. Speaker?

Speaker Hofschneider: Before recognizing – Representative Babauta, you have a concern.

Rep. Babauta: I know there's motion on the floor for the passage on First and Final Reading and I understand majority of the members also wish to refer this to the committee for a public hearing. My concern here is it definitely triggers the decrease on revenue in terms of volume. The significant part of it -- Congressman Attao and I barely make the brand that we use to have – it's extinct, so the cheapest one now is **Pall Mall**. This is considered to be a low class in the Commonwealth, Mr. Speaker. Mr. Speaker, I would convince and recommend to the members that we allowed ample time for the bill to remain on the calendar and we need to asses what is the impact in terms of Public Law 13-38 generated versus what we have loss, anticipated lost when this became law and what we have before this so that we can have more precise guidance from our tax experts.

The Chair recognized Representative Palacios.

Rep. H. Palacios: I wonder, Mr. Speaker, if this bill was passed to enrich the Commonwealth or is it to prevent the people from getting sick with lung cancer? Otherwise I would support ban of the cigarette altogether. I don't even smoke. If that's what is introduced, Mr. Speaker, I'll support it but not just raising the tax 250%.

The Chair recognized Representative Cabrera.

Rep. Cabrera: Mr. Speaker, I do respect the author's position on the issue. I believe we're all entitled to our positions. I believe as long as we have our own justifications for the actions that we take there shouldn't be any problems. And I'm prepared to debate the issue further should it be decided by the members to vote upon this issue. However, there are agencies that were not privy to the opportunity to voice their opinions on this issue. The original intent of Public Law 13-38 was to protect our children. I don't think that was ever a question and by that, Mr. Speaker, this bill is not one of those measures that would yield an immediate result. This is a measure that was supposed to provide long-term resolutions to a long-term problem and I believe, Mr. Speaker, that that was fairly debated on the day that this bill was voted upon, which if I remember correctly Representative Palacios, Representative Seman and Representative Castro were not present. All I'm asking is for the opportunity to provide for public hearing. If the committee and the members so decide to support the measure regardless of the health issues then that is their prerogative, Mr. Speaker.

Speaker Hofschneider: So can we have a motion to have a public hearing and a motion to refer it to the Committee on Ways and Means?

Rep. Cabrera: So moved.

Rep. Babauta: Point of clarification on the motion, Mr. Speaker. You have laid two motions so which is which? It was moved – sub-motion for public hearing, sub-motion to...

Speaker Hofschneider: The latter supercedes the main motion.

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

Rep. Babauta: Division on the floor.

Vice Speaker Tenorio: Clarification, Mr. Speaker.

Speaker Hofschneider: State your clarification.

Vice Speaker Tenorio: Part of the motion is to have a public hearing...

Speaker Hofschneider: Yes.

Vice Speaker Tenorio: **To get input from the public not just to put it into the committee.** With that, I support the motion.

Speaker Hofschneider: Since there's a division on the floor, clerk, roll call for the motion to refer H. B. NO. 13-272 to the Committees on Ways and Means and Health and Welfare for public hearing. Roll call.

The roll called on the motion to refer H. B. NO. 13-272 to the Committees on Ways and Means and Health and Welfare is as follows:

Rep. Martin B. Ada	yes
Rep. Francisco DLG. Aldan	yes

Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	no
Rep. Gloria DLC. Cabrera	yes
Rep. Pedro P. Castro	abstained
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	no
Rep. Norman S. Palacios	no
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: By a vote of 14 “yes” to refer H. B. NO. 13-272 to the Committees on Ways and Means and Health and Welfare for a public hearing. Floor Leader, recess subject to the call of the Chair.

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

The House recessed at 4:32 p.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

H. L. B. NO. 13-: A Local Appropriation Bill for an Act for the First Senatorial District to appropriate \$90,000 from the local license fees for pachinko slot machines and poker machines in the First Senatorial District; and for other purposes. (REP. DANIEL O. QUITUGUA) [2nd Appearance]