



# House Journal

## THIRD SPECIAL SESSION, 2003

Second Day

May 13, 2003

The House of Representatives of the Thirteenth Northern Marianas Commonwealth Legislature convened in its **Second Day, Third Special** Session, on **Tuesday, May 13, 2003**, at **10:20 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. **Sixteen** members were recorded present; Representative **Herman T. Palacios** was excused and Representative Daniel O. Quitugua came in late.

### ADOPTION OF JOURNALS

None

### PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 13-282: A Bill for an Act to repeal and re-enact 4 CMC Section 9223 (Minimum Wages) and Section 9223, (Exemptions); to repeal 4 CMC, Division 9, Chapter 6, (Wage Review Committees); and for other purposes.

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

### MESSAGES FROM THE GOVERNOR

None

### SENATE COMMUNICATIONS

SEN. COMM. 13-180: Transmittal of S. R. NO. 13-52, entitled "A Senate Resolution to expel or, in the alternative, suspend Senator Ricardo S. Atalig from the Senate," which the Senate adopted on May 12, 2003. [For info]

There was no discussion.

Speaker Hofschneider: With no objection, we'll move down to Bill Calendar.

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

**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

**BILL CALENDAR**

Speaker Hofschneider: Under Bill Calendar, we were discussing H. B. NO. 13-280 and I believe that we went into recess to allow Precinct I to resolve their internal differences. I believe it was Representative Ada who started the fireworks and disagreement with his colleagues from Precinct I. This is a new day and I hope that one more would add to Representative Ada's side. With that, I recognize Representative Arnold Palacios.

Rep. A. Palacios: Thank you, Mr. Speaker. Mr. Speaker, I'd like to offer a written floor amendment to H. B. NO. 13-280, and I move for its adoption.

The motion was seconded by Rep. Babauta.

Representative Arnold Palacios' amendment is as follows:

[Section 3 of H. B. NO. 13-280 is amended as follows:

“Section 3. Specific Appropriation. Notwithstanding contrary provision of law, the Legislature hereby appropriates \$5,580,000.00 from that part of the 702 CIP Covenant Funding that does not require matching local funds for the following projects enumerated as follows:

1. ~~\$2,000,000 for various road improvements and drainage systems in Precinct I, Saipan.~~ \$450,000 is appropriated for Kanat Tabla road paving and drainage system on Saipan.

2. \$750,000 is appropriated for water reservoir in Precinct III, Saipan.

3. \$700,000 is appropriated for road paving in Precinct IV, Saipan.

4. \$100,000 is appropriated for A&E design and construction of basketball courts in Precinct II, Saipan.

5. \$370,000 is appropriated to supplement the construction of the Dandan Children's Park.

6. \$51,500 is appropriated to supplement the construction of the Dandan, and Koblerville and San Vicente Elementary Schools sidewalks.

7. \$3,158,500.00 is appropriated for the Marpi Landfill Project as partial reinstatement of the funds borrowed under Public Law No. 11-27 the Garapan Revitalization Project specifically for closure of Puerto Rico dump and the Garapan Water Quality Project.”]

Floor Leader Attao: Privilege, Mr. Speaker.

Speaker Hofschneider: Can we have copies please?

Rep. A. Palacios: Yes.

Speaker Hofschneider: The floor amendment offered by Representative Palacios has been seconded. Before I open discussion on the floor amendment, short recess.

The House recessed at 10:25 p.m.

### RECESS

The House reconvened at 10:33p.m.

Speaker Hofschneider: We're back to our session. Discussion on the floor amendment offered by Representative Palacios? Representative Babauta.

Rep. Babauta: Thank you, Mr. Speaker. Mr. Speaker, I wish to offer an oral floor amendment on the floor amendment offered by the Honorable Arnold Palacios. On item (4) of the written floor amendment strikeout "\$100,000" and in lieu of insert, "\$258,500 is appropriated for A&E design and construction of basketball court and Susupe Social Hall reconstruction/renovation in Precinct II, Saipan." So moved, Mr. Speaker.

The motion was seconded.

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

There was no discussion, and the oral floor amendment offered by Representative Babauta was carried by voice vote.

Speaker Hofschneider: Motion carried.

Rep. Babauta: Further oral floor amendment, Mr. Speaker.

Floor Leader Attao: Mr. Speaker, may I ask the mover of the oral floor amendment to identify as to how much is for the basketball court and how much is for the renovation?

The Chair recognized Representative Babauta.

Rep. Babauta: For the record, Mr. Speaker...

Speaker Hofschneider: Are you taking from item (4) or item (7)?

Rep. Babauta: Mr. Speaker, I was going to go down for further amendment on the figures to balance it.

Speaker Hofschneider: So, can you rephrase your motion then?

Rep. Babauta: Thank you, Mr. Speaker. Mr. Speaker, rephrasing my motion – item (4) strikeout “\$100,000” and in lieu of insert, “\$258,500 is appropriated for A&E design and construction of basketball court and Susupe Social Hall reconstruction/renovation in Precinct II, Saipan.” On line 7 strikeout “\$3,158,500” in lieu of insert, “\$3,000,000.”

The motion was seconded.

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

There was no discussion, and the oral floor amendment offered by Representative Babauta was carried by voice vote.

Speaker Hofschneider: The oral floor amendment offered by Representative Babauta is hereby adopted. Vice Speaker?

Vice Speaker Tenorio: An oral floor amendment on item (1), Mr. Speaker. Delete “\$450,000” and insert “\$523,000 is appropriated for Kanat Tabla road including drainage and survey.”

At this time, the Chair declared a short recess at 10:37 a.m.

## RECESS

The House reconvened at 10:42 a.m.

Speaker Hofschneider: We're back to our session and the Vice Speaker has the floor.

Vice Speaker Tenorio: Mr. Speaker, I noticed that if I put the \$523,000 the figure is not going to be balanced. So I would like to make further amendments, Mr. Speaker, if I may? Reduce that to "\$520,000" instead of "\$523,000" and on item (5) "\$370,000" should read "\$300,000."

The motion was seconded.

Speaker Hofschneider: The amendment offered by the Vice Speaker is on item (1), amending "\$450,000" to "\$520,00" and amending item (5) from "\$370,000" to "\$300,000" has been seconded. Discussion on the oral floor amendment offered by the Vice Speaker?

There was no discussion, and the oral floor amendment offered by Vice Speaker Tenorio was carried by voice vote.

Speaker Hofschneider: For purposes of clarification, I'm advising the counsel and the clerk to take note of the statement earlier, as clarified, on the oral floor amendment offered by the Vice Speaker for A&E design and construction. Ready?

Rep. Babauta voiced, "ready."

Speaker Hofschneider: Clerk, roll call.

The roll called on the motion to adopt the written floor amendment offered by Representative Arnold Palacios to H. B. NO. 13-280 is as follows:

Rep. Ada: *Pues taya para traffic lights?*

Speaker Hofschneider: No.

Rep. Ada: *Guaha chansa para en ayuda i Precinct I? Kao siña guaha chansa guine, Mr. Speaker? Matai ha' todū etyo na traffic light i para ta introdusi lao hamyo ha lolo pago. Hungan. Thank you.*

Speaker Hofschneider: His vote is yes.

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

Floor Leader Attao: Mr. Speaker, before I cast my vote, I would like the members to know that on the FY 2003 the unappropriated fund balance is \$5.5 million, which is indicated under H. B. NO. 13-280. For the rest of the bills appearing on today's calendar relative to appropriating funds for traffic lights are all taken up under H. B. NO. 13-280. So, my vote on this is "yes" to help all the precincts.

Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Gloria DLC. Cabrera	yes

Rep. Castro: I believe that Vice Speaker Tenorio has shown us an amendment to the original bill earlier. But Representative Arnold Palacios took advantage, and further, the Vice Speaker personally made some amendment. And for that reason, I'm casting my vote as "yes".

Rep. Pedro P. Castro	yes
Rep. Joseph P. Deleon Guerrero	yes
Rep. Arnold I. Palacios	yes
Rep. Herman T. Palacios	excused
Rep. Norman S. Palacios	yes

Rep. Quitugua: Mr. Speaker, is my vote going to be considered conflict of interest because Rota is not in here?

Speaker Hofschneider: Just vote yes.

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

Vice Speaker Tenorio: Mr. Speaker, if I'm correct, we're only voting for the amendment, or are we voting for the bill?

Speaker Hofschneider: We're voting for the amendment offered by Representative Palacios, as amended.

Vice Speaker Tenorio: I have further question, Mr. Speaker.

Speaker Hofschneider: Reserve them for the main question.

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

Speaker Hofschneider: The floor amendment offered by Representative Palacios, as amended, is hereby adopted by the House and we're ready for the main question. Discussion? Representative William Torres.

Rep. W. Torres: Mr. Speaker, if I'm still in order, can I just make a slight oral floor amendment?

Speaker Hofschneider: Can we hear it first?

Rep. W. Torres: After consulting with my colleague – on item (2) remove the "period" include a "comma including transportation enhancements and safety." On item (4) after the "period" after the word "project" remove the "period" and put a "comma" and add the same language.

Speaker Hofschneider: On item (4)?

Rep. W. Torres: Item (4) or item (7). After the word “project”...

Speaker Hofschneider: Are you referring to the bill or the floor amendment?

Rep. W. Torres: The floor amendment.

Speaker Hofschneider: Item (4) is appropriation for Precinct II. Correct?

Rep. W. Torres: I mean item (7).

Speaker Hofschneider: Okay. And your amendment is to repeat itself on item (2)?

Rep. W. Torres: Correct.

Speaker Hofschneider: Can you move that?

Rep. W. Torres: So moved.

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: An oral floor amendment offered by Representative William Torres has been seconded. Discussion on the oral floor amendment?

There was no discussion, and the oral floor amendment offered by Representative William Torres to H. B. NO. 13-280, HD1 was carried by voice vote.

Speaker Hofschneider: Motion carried. We’re back to discussion on H. B. NO. 13-280, HD1. Representative Deleon Guerrero?

Rep. Deleon Guerrero: Thank you, Mr. Speaker. Similar to Representative Torres, can I offer a floor amendment before we go to the main motion?

Speaker Hofschneider: Can we hear it first?

Rep. Deleon Guerrero: Mr. Speaker, can we amend item (7)?

Speaker Hofschneider: Okay.

Rep. Deleon Guerrero: Replace the figure “\$3,000,000” with “\$2,200,000” and include “(8) \$800,000 for road paving of Kagman to complete at least the main arteries of Kagman III, Phase 4 area.”

Speaker Hofschneider: Phase 4 is...

Rep. Deleon Guerrero: *Etyo i san papa ni man gaige i eskuela siha.*

Floor Leader Attao: Point of information, Mr. Speaker.

At this time, the Chair declared a short recess at 10:51 a.m.

**RECESS**

The House reconvened at 10:57 a.m.

Speaker Hofschneider: We're back to our session. Representative Deleon Guerrero, you have the floor.

Rep. Deleon Guerrero: So moved, Mr. Speaker.

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

Floor Leader Attao: Discussion on the oral floor amendment? May I hear the oral floor amendment offered by Representative Deleon Guerrero?

Speaker Hofschneider: Could rephrase for the record, please?

Rep. Deleon Guerrero: Yes, Mr. Speaker. Item (7) would read "\$2,200,000" instead of "\$3,000,000." A new line item, item (8) would read "\$800,000 for various road paving projects in Precinct I."

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

Floor Leader Attao: Mr. Speaker, earlier I mentioned that the Lieutenant Governor needs about \$3.8 million. The \$3.8 million was taken out from the Puerto Rico dump and the Marpi Landfill to fund the Kagman Elementary School. This is during Pedro P. Tenorio's Administration. We promised back then that the \$3.8 million would be reinstated. However, Mr. Speaker, it's very unfortunate that the \$3.8 million did not materialize during Tenorio's Administration. Again the Lieutenant Governor is appealing to the Legislature to have that reinstated so that the Administration can finally close the Puerto Rico dump, as well as, to address the real concern of our lagoon and that is the Garapan Revitalization Project. It's still in need of about \$5 million. By amending this \$3 million, Mr. Speaker, we would never complete the project and we would never, never close the Puerto Rico dump. So I'm asking the prime mover of the oral amendment to withdraw his amendment to consider giving the Administration the flexibility in completing the project. That's all I'm asking, Mr. Speaker.

The Chair recognized Vice Speaker Tenorio.

Vice Speaker Tenorio: Thank you. Mr. Speaker, I don't disagree with the Floor Leader's logic. But I also met with the Lieutenant Governor last night and he reiterated to me the importance of changing the \$3.1 million originally on my bill for landfill and projects back to Puerto Rico dump. I understand that. But we don't know exactly how much it actually cost to close the Puerto Rico dump. I wish we had that figure here. We do know that we have approximately forty roads in Precinct I that's in dire need of repair. These are roads where people sometimes can't pass through



with the recent rain. That's why from the very beginning, Mr. Speaker, we try to identify funds, we try to work and as much as possible try to accommodate everybody. But now, they have taken so much from so little funds available to spread out and come up with all kinds of water reservoir. Road paving, we talked about that yesterday for Precinct IV. But there's not even an actual study or actual written request from various departments requiring this water reservoir and how much it would actually cost. We don't even know whether it's going to be one million gallons or fifty thousand gallons, we don't know the size of this. We're just appropriating funds in the dark. So my concern is whether or not this is the right figure, because of the dire need for everybody to chip-in or try to take some funds and build roads or whatever their needs are. We need to be more accurate and justify these things, Mr. Speaker. I don't know what kind of water reservoir can \$750,000 build. I understand that they estimated \$750,000 for the road projects in Precinct IV and I would think they're talking about the As Teo Road. I haven't seen any written request from the Department of Public Works suggesting that this is what it's going to cost, this is just a figure that we're crossing out. I wish we had something to show that this is actually what we need to do this job. Otherwise, Mr. Speaker, I want to ask the indulgence of everyone because we need not only \$800,000 but at least an additional \$200,000 to \$300,000 just to repair some of those very badly needed roads in Precinct I. I'm asking Precincts III and IV if they would succumb to maybe \$100,000 each and give it to Precinct I for our needs.

The Chair recognized Representative Aldan.

Rep. Aldan: Thank you, Mr. Speaker. I have the total cost of the road paving and the drainage in my office and we are actually short by \$84,000. I told you yesterday that we need \$780,000. I have the estimate here. If you go down to As Teo, we have the same problem as Kannat Tabla. The roadside is already eating into the main road, half of the road is already gone. It's about four feet deep – the water has dug into the road. This project is ready for bidding and we need \$1.2 million to do it. The only money we have is \$500,000. You guys haven't identified which road you want to use the money for. We are ready to go for bidding.

Vice Speaker Tenorio: We have a list.

Speaker Hofschneider: Vice Speaker – are you finished, Representative Aldan?

Rep. Aldan: No. If you want a copy, Vice Speaker, you can come over to my office after the session and I'll prove to you that we already have a breakdown of the cost for the road paving project. It's ready to go.

Speaker Hofschneider: Thank you. What's the plan on the \$300,000 for Dandan Children's Park? What do you plan to do? Vice Speaker?

Vice Speaker Tenorio: I asked the Department of Public Works to give me an estimate back in April because the parents and the community in Dandan has shown us the design that they wanted. It's way short from what was originally appropriated so I asked the Department of Public Works to give me an estimate and they came out with an estimate on April 11. They actually needed \$380,500 to be exact. This is their estimate in writing and now we have this figure down to \$300,000. So to answer your question, this is coming from them and it's for the design.

Speaker Hofschneider: So why don't we do it by phases? Move \$200,000 to various road paving and keep \$100,000 so that it can in fact have some substantial improvement to the park and that would also be phased out. You have a substantial construction going on or project initiated with \$100,000. If it's groundwork, then \$100,000 is more than sufficient and then you phase it out. That's a recommendation so that you can move the \$200,000 for your various roads.

Rep. Deleon Guerrero: *Mr. Speaker, esta para ta kannu' from Precinct I to Precinct I -- en gagagao at least...*

Speaker Hofschneider: I can honestly tell you now that we have a problem supporting the amendment reducing the \$3 million because the Lieutenant Governor's bottom line is really \$3 million. The total cost to complete the closure of Puerto Rico, under EPA's recent advice to initiate it, is around \$8.5 million otherwise we get penalized.

Rep. Deleon Guerrero: I understand, Mr. Speaker, and I'm willing to withdraw my motion *komu guaha guine dididi consensus ya siña lakkue ma kunsidera i Precinct I ni Precinct III yan maseha Precinct IV. Siña ta cho'gue enao*. I'll withdraw my motion and cut down the Dandan Children's Park to \$100,000 or \$150,000 *komu siña lakkue maseha \$100,000 ginen Precinct III yan Precinct IV...*

Speaker Hofschneider: I'll even give you more. On line 6 take that money away...

Rep. Deleon Guerrero: *Precinct I ha' ta'lo*.

Speaker Hofschneider: And apply it to – wait, listen. Under the PSS Bond we have never appropriated the interest accrued. So we can in fact distribute the interest accrued on the \$16 million Bond. PSS was penalized. We had to pay \$300,000. There's quite a sum of interest accrued over a 4-year period, and the application of that money is only for schools. We cannot use it elsewhere.

Rep. Deleon Guerrero: *Mr. Speaker, \$50,000 ha enao*.

Speaker Hofschneider: My point is, you have the latitude to move this money to other projects other than the schools. The bond money is only specifically for schools, PSS only. You cannot move it for non-PSS projects. So it's a misappropriation of scarce resources.

Rep. Castro: Mr. Speaker, are we in recess?

Speaker Hofschneider: No, we're in session. Representative Castro?

Rep. Castro: Mr. Speaker, I believe the \$51,000 requested to fund the construction of Dandan and Koblerville sidewalks is due to the zoning that PSS has implemented. This will serve the students who are not riding the bus. This is a request from parents of both, Dandan and Koblerville Elementary Schools. They have seen the hazards of traffic within these areas. I believe the requirements with PSS for non-riders are 1.5 miles from the school. So these are the students that will be accommodated with installation of sidewalks.

Speaker Hofschneider: I understand that but Representative Castro, you can apply this money everywhere in anyway the Legislature wants to. We cannot use the PSS bond money outside PSS.

There's a lot of money sitting there and with PSS not really on top of things there's a lot of money that we need to appropriate because they're being penalized and they're paying the bond underwriters, *i trustees ni ti ma u'usa i salape. Pues mauleg-ña ta usa etyo na salape.* Apply this somewhere else and appropriate that money immediately. But if you think that we'll leave it alone we'll leave it alone. I'm just pointing out there's other sources of money. Okay? So, Representative Deleon Guerrero?

Rep. Deleon Guerrero: Mr. Speaker, if I can withdraw my motion and offer a subsidiary motion instead.

Speaker Hofschneider: No. If you withdraw your motion then you'll have to offer a new motion.

Rep. Deleon Guerrero: A new motion?

Floor Leader Attao: Just withdraw your motion and I'll make a motion.

Rep. Deleon Guerrero: Thank you, Mr. Speaker.

Floor Leader Attao: I'll offer a new motion. Mr. Speaker, may I ask the author of the written floor amendment to allow Precinct I to get \$50,000 out of the \$750,000 allocated or appropriated for water reservoir in Precinct III, if there's no objection?

Rep. Deleon Guerrero: No objection.

The Chair recognized Representative Palacios.

Rep. A. Palacios: Thank you. I'm really on the spotlight here. Okay, I'll relinquish \$50,000.

Speaker Hofschneider: Thank you. Representative Deleon Guerrero, make a motion.

Rep. Deleon Guerrero: The motion would be on item (2) "\$750,000" would read "\$700,000." On item (5), it would read "\$150,000 instead of "\$300,000." Item (6) would be stricken out completely and item (8) would read "\$251,500 for various road paving projects in Precinct I. So moved, Mr. Speaker.

Speaker Hofschneider: Any second?

The motion was seconded.

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

There was no discussion, and the oral floor amendment offered by Representative Deleon Guerrero to H. B. NO. 13-280, HD2 was carried by voice vote.

Speaker Hofschneider: Motion carried. Ready for the question? Floor Leader.

Floor Leader Attao: Mr. Speaker, I have an oral floor amendment to offer. On Section 4 after line 5 after Section 3 insert “1, 3, 4, 5, 6, and 7. The CUC Executive Director shall be the expenditure authority for the project listed on Section 3, item 2”.

Speaker Hofschneider: Any second?

The motion was seconded.

Speaker Hofschneider: The oral floor amendment offered by the Floor Leader has been seconded. Discussion on the oral floor amendment?

There was no discussion, and the oral floor amendment offered by the Floor Leader to H. B. NO. 13-280, HD3 was carried by voice vote.

Speaker Hofschneider: Motion carried. Ready for the question?

Floor Leader Attao voiced, “ready.”

Speaker Hofschneider: We’re voting on H. B. NO. 13-280, HD4. Clerk, roll call.

The roll called on the motion to pass H. B. NO. 13-280, HD4 on First and Final Reading is as follows:

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

Speaker Hofschneider: H. B. NO. 13-280, as amended, is hereby passed by the House on First and Final Reading. Representative Ada?

Rep. Ada: Mr. Speaker, if there’s no objection, can we go back Item 4 of the Order of Business?

There being no objection; the House went back to Item 4, Prefiled and Introduction of Resolutions.

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

The Chair recognized Representative Ada.

H. R. NO. 13-142: A House Resolution requesting the Board of Directors of the Marianas Public Lands Authority to designate a parcel of public land to the Northern Marianas Amateur Sports Association for drag racing.

Offered by: Rep. Martin B. Ada

H. R. NO. 13-143: A House Resolution to urgently request Governor Juan N. Babauta and the Juan S. Reyes, Secretary of the Department of Public Works to include in the 2004 Federal Highway Fund Grant a procurement, design, construction and installation of traffic lights in Precinct I.

Offered by: Rep. Martin B. Ada

Speaker Hofschneider: Thank you. Floor Leader, recess until Monday.

Floor Leader Attao: *Ta adopta i resolutions.*

Speaker Hofschneider: *Pues na chadek fan sa' i 1:30* – short recess.

The House recessed at 11:17 a.m.

### **RECESS**

The House reconvened at 11:18 a.m.

Speaker Hofschneider: We're back to our session and we'll move down to Resolution Calendar.

### **RESOLUTION CALENDAR**

The Chair recognized 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 the H. R. NO. 13-142 and H. R. NO. 13-143, 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. 13-142 and H. R. NO. 13-143.

The motion was seconded.

H. R. NO. 13-142: A HOUSE RESOLUTION REQUESTING THE BOARD OF DIRECTORS OF THE MARIANAS PUBLIC LANDS AUTHORITY TO DESIGNATE A PARCEL OF PUBLIC LAND TO THE NORTHERN MARIANAS AMATEUR SPORTS ASSOCIATION FOR DRAG RACING.

H. R. NO. 13-143: A HOUSE RESOLUTION TO URGENTLY REQUEST GOVERNOR JUAN N. BABAUTA AND THE JUAN S. REYES, SECRETARY OF THE DEPARTMENT OF PUBLIC WORKS TO INCLUDE IN THE 2004 FEDERAL HIGHWAY FUND GRANT A PROCUREMENT, DESIGN, CONSTRUCTION AND INSTALLATION OF TRAFFIC LIGHTS IN PRECINCT I.

Speaker Hofschneider: The motion for the adoption of H. R. NO. 13-142 and H. R. NO. 13-143 has been seconded. Discussion on any of the resolutions?

There was no discussion, and the motion to adopt H. R. NO. 13-142 and H. R. NO. 13-143 was carried by voice vote.

Speaker Hofschneider: H. R. NO. 13-142 and H. R. NO. 13-143 are hereby adopted by the House. Floor Leader.

Floor Leader Attao moved to refer H. B. NO. 13-023, H. B. NO. 13-024, H. B. NO. 13-025, H. B. NO. 13-026, H. B. NO. 13-047 and H. B. NO. 13-048 to the Committee on Ways and Means, was seconded and carried by voice vote.

Speaker Hofschneider: Motion carried. Floor Leader, we need to act on S. B. NO. 13-135, SD1.

Floor Leader Attao: Is that the Immigration?

Speaker Hofschneider: Yes, the Entry and Deportation Act. Representative William Torres, are you ready with the amendment so we can act on disposing S. B. NO. 13-135, SD1?

Floor Leader Attao moved to withdraw H. B. NO. 13-277 from the Committee on Ways and Means to be placed on the calendar, was seconded by Rep. Babauta and carried by voice vote.

H. B. NO. 13-277: A BILL FOR AN ACT TO APPROPRIATE TWO MILLION TWO HUNDRED SEVENTY FOUR THOUSAND DOLLARS (\$2,274,000.00) FOR THE CONSTRUCTION AND RENOVATION OF HEADSTART CENTERS AND OTHER SCHOOL FACILITIES; AND FOR OTHER PURPOSES.

Speaker Hofschneider: H. B. NO. 13-277 is hereby withdrawn from the Committee on Ways and Means and placed on the calendar. Floor Leader, move for the passage of S. B. NO. 13-135, SD1.

Floor Leader Attao: Mr. Speaker, I move for the passage of S. B. NO. 13-135, SD1 on Second and Final Reading.

The motion was seconded by Rep. Babauta.

S. B. NO. 13-135, SD1: A BILL FOR AN ACT TO AMEND 4 CMC § 4344(d) OF THE COMMONWEALTH ENTRY AND DEPORTATION ACT OF 1983 TO REQUIRE THE OFFICE OF THE ATTORNEY GENERAL TO PROMULGATE RULES AND REGULATIONS IMPLEMENTING CERTAIN APPLICABLE INTERNATIONAL

TREATIES AND CONVENTIONS RELATED TO THE STATUS AND TREATMENT OF PERSONS FEARING PERSECUTION, TORTURE, CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT IN THEIR COUNTRY OF ORIGIN.

Speaker Hofschneider: The motion for the passage of S. B. NO. 13-135, SD1, Entry and Deportation Act amendment on Second and Final Reading has been seconded. Discussion on the bill itself? Representative William Torres.

Rep. W. Torres: Mr. Speaker, I would like to offer a written floor amendment on S. B. NO. 13-135, SD1.

The motion was seconded.

The floor amendment offered by Rep. William S. Torres, is as follows:

[Section 2. Amendment. 4 CMC § 4344(d) is hereby amended and shall read as follows:

“(d) The Attorney General ~~may decline to designate as destination any country where in his opinion the excluded or deported person would be subject to persecution on account of race, religion or political persuasion~~ shall not ~~exclude or deport remove~~ a person where that person’s life or freedom would be threatened on account of that person’s race, religion, nationality, membership of a particular social group or political opinion, provided however, that a person whom the Attorney General or a designee of the Attorney General seeks to ~~exclude or deport remove~~ shall have the burden of showing, in an administrative proceeding that it is conducted in accordance with rules and regulations promulgated by the Attorney General that implement applicable international treaties and conventions related to the status and treatment of persons fearing persecution, torture, cruel, inhumane or degrading treatment or punishment in their country of origin, that ~~exclusion or deportation removal~~ proceedings would be inconsistent with the terms of such applicable international treaties and conventions. The Attorney General may, notwithstanding the foregoing considerations, ~~exclude or deport remove~~ a person if there are reasonable grounds for regarding that person as a danger to the security of the Commonwealth, or if that person, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community. ~~Rules and regulations promulgated by the Attorney General pursuant to the provisions of this subsection, including any procedures provided for therein, shall not be governed by the Administrative Procedure Act, as set forth at 1 CMC § 9101 et. seq. The Administrative Procedures Act, as set forth at 1 CMC § 9101 et seq., shall not apply to any procedure or action undertaken pursuant to this subsection or to rules and regulations promulgated thereunder, except with respect to the promulgation of such rules and regulations. A decision of the Attorney General under this subsection shall be final and unreviewable administratively or judicially.”]~~

Speaker Hofschneider: A written floor amendment offered by Representative William Torres to S. B. NO. 13-135, SD1 has been seconded. Discussion on the amendment?

There was no discussion, and the floor amendment offered by Representative William Torres to S. B. NO. 13-135, SD1 was carried by voice vote.

Speaker Hofschneider: The floor amendment is hereby adopted by the House. Ready for the question?

Several members voiced, “ready.”

Speaker Hofschneider: We’re voting on S. B. NO. 13-135, SD1, HD1. Clerk, roll call.

The roll called on the motion to pass S. B. NO. 13-135, SD1, HD1 on Second and Final Reading is as follows:

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

Speaker Hofschneider: S. B. NO. 13-135, SD1, HD1 is hereby passed by the House on Second and Final Reading. Floor Leader, move to recess until Monday...

Floor Leader Attao: Mr. Speaker, before we do that, can we go back to Senate Communications so that we can accept SEN. COMM. 13-180?

Speaker Hofschneider: Can we do that on Monday?

Floor Leader Attao: Okay. I’ll do that.

Speaker Hofschneider: We’ll go into session again on Monday at 10:00 a.m.

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

The motion was seconded by Rep. Babauta.

Speaker Hofschneider: Before I recognize that, Representative Quitugua?

Rep. Quitugua: *Thank you, Mr. Speaker. Siña maseha un na’ 10:30 a.m? Nating i batkon aire.*



Speaker Hofschneider: Yes.

Floor Leader Attao: 10:30. Is that okay, Mr. Speaker?

Speaker Hofschneider: Yes. Representative Stanley Torres?

Rep. S. Torres: Mr. Speaker, if I remember correctly that you assigned me to look into the Mayor's spending need for the upcoming Liberation Day Activity.

Speaker Hofschneider: Yes.

Rep. S. Torres: I believe that local delegation matter. I understand Representative Tenorio is the Chairman for the Delegation's Committee on Ways and Means.

Speaker Hofschneider: The delegation does not have any revenues or resources to part with for the Liberation Day then it's the responsibility of the House. It's either way. I would recognize the motion to recess until Monday at 10:30 a.m. It has been seconded.

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

The House recessed at 11:25 a.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk  
House of Representatives

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**APPEARANCE OF LOCAL BILLS**

H. L. B. NO. 13-041: To establish a dog licensing and dog control act for Rota in order to protect the public health and welfare of the public; and for other purposes. (REP. DANIEL O. QUITUGUA) [2<sup>ND</sup> APPEARANCE]