

THE HOUSE
FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SIXTH REGULAR SESSION, 1985

SIXTH DAY

Wednesday, June 12, 1985

The House of Representatives of the Fourth Northern Marianas Commonwealth Legislature, Sixth Regular Session, 1985, was called to order at 9:30 a.m., Wednesday, June 12, 1985, in the House Chamber, Susupe, Saipan, Northern Mariana Islands.

The Honorable Vicente M. Sablan presided.

A moment of silent prayer was observed.

The House Clerk called the roll. Twelve members were present. Representatives Jose Cabrera, Juan Demapan and Juan Tudela were absent.

Speaker Sablan: Representative Tudela will be here very shortly. He is attending the Cultural Day at the William S. Reyes Elementary School this morning.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

H.B. No. 240: "A BILL FOR AN ACT TO EASE VOTER REGISTRATION REQUIREMENTS, TO IMPROVE VOTING PROCEDURES, TO CREATE A REBUTTABLE PRESUMPTION THAT RESIDENTS WHO ARE ABSENT FROM THE COMMONWEALTH FOR MORE THAN EIGHTEEN MONTHS ARE NOT DOMICILED HERE AND ARE NOT ENTITLED TO ABSENTEE VOTING RIGHTS, TO AMEND 1 CMC SECTIONS 6205(f), 6206 AND 6207, AND FOR OTHER PURPOSES."

Introduced by: Pedro T. Nakatsukasa

Assigned to : J.G.O. Committee

Speaker Sablan: I will like to ask the Clerk to immediately refer this bill just introduced by the Floor Leader to the Committee on J.G.O..

H.B. No. 241: "A BILL FOR AN ACT TO AMEND P.L. 4-49, COMMONWEALTH DEVELOPMENT AUTHORITY."

Introduced by: Pedro R. Guerrero

Assigned to : R & D Committee

Representative Pedro R. Guerrero: This proposed bill Mr. Speaker was pre-filed on June 6, 1985. Thank you.

H.B. No. 243: "A BILL FOR AN ACT TO CLARIFY THE LAW IN THE COMMONWEALTH WITH RESPECT TO LIQUIDATED DAMAGES FOR DELAY IN THE AWARD OF CONSTRUCTION CONTRACTS."

Introduced by: Benigno M. Sablan (By Request)

Assigned to : J.G.O. Committee

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Floor Leader Nakatsukasa: Privilege. Mr. Speaker for the record can we correct our Order of Business to reflect that today is Wednesday, June 12, 1985.

Speaker Sablan: I mentioned that before we started our session.

H.B. No. 244: "A BILL FOR AN ACT TO DEVELOP COMPREHENSIVE CHILD CARE STANDARDS AND TO PROVIDE MECHANISMS FOR LICENSING AND OVERSIGHT OF CHILD CARE FACILITIES IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND FOR OTHER PURPOSES."

Introduced by: Victor Hocog and three others

Assigned to : H.E.W. Committee

H.B. No. 249: "A BILL FOR AN ACT TO ENACT A COMMONWEALTH PROCUREMENT ACT OF 1985, TO ADD A NEW DIVISION 10 - PUBLIC PROCUREMENT TO TITLE 1 OF THE COMMONWEALTH CODE, AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero and eight others

Assigned to : J.C.O. Committee

H.B. No. 247: "A BILL FOR AN ACT TO PROHIBIT ALL SAND MINING IN THE COMMONWEALTH."

Introduced by: Juan T. Guerrero and seven others

Assigned to : R & D Committee

H.B. No. 246: "A BILL FOR AN ACT TO REQUIRE ANY PERSON WHO USES PUBLIC PROPERTY OR OWNS PRIVATE PROPERTY OR FACILITIES TO RETRIEVE REFUSE WHICH HE DISCARDS ON THE PROPERTY, TO PROVIDE FOR A PENALTY FOR VIOLATION OF THIS ACT, TO AMEND 6 CMC, CHAPTER 3, AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero and seven others

Assigned to : R & D Committee

H.B. No. 245: "A BILL FOR AN ACT TO INCREASE THE FEE FOR LICENSING OF POKER MACHINES, TO AMEND 4 CMC, SECTION L504(a)(2), AND TO REPEAL AND REENACT 4 CMC, SECTION 1803, AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero and eight others

Assigned to : Appropriation Committee

H.B. No. 239: "A BILL FOR AN ACT TO INCREASE EXCESS TAXES OF ALCOHOL AND TOBACCO, AND TO AMEND 4 CMC, SECTION 1401(c) AND SECTION 1403(a), AND TO REPEAL AND REENACT 4 CMC, SECTION 1803, AND FOR OTHER PURPOSES."

Introduced by: Gregorio C. Sablan

H.B. No. 250: "A BILL FOR AN ACT TO REQUIRE THAT COMMONWEALTH TRAIL COURT DEPOSITIONS BE TAKEN BY COURT CERTIFIED STENOGRAPHERS."

Introduced by: Gregorio C. Sablan and Juan T. Guerrero

Representative Gregorio C. Sablan: Mr. Speaker because this bill does not really require very much study, therefore I ask that the House take action today. It is a very down to earth bill.

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Local H.B. No. 4-1: "A LOCAL REVENUE BILL FOR AN ACT FOR THE THIRD SENATORIAL DISTRICT OF SAIPAN TO LEVY A LOCAL TAX 5 CENTS PER GALLON ON LIQUID FUEL, OTHER THAN AVIATION FUEL, USED ON SAIPAN, TO BE RESERVED IN A TRUST ACCOUNT FOR THE REPAIR AND IMPROVEMENT OF SAIPAN SECONDARY ROADS."

Introduced by: Gregorio C. Sablan

Assigned to : Appropriation Committee

Floor Leader Nakatsukasa: I will just like to find out the procedure in regards to local bill.

Speaker Sablan: This is a revenue bill. I think it will be refer to the Appropriation Committee.

Representative Gregorio C. Sablan: Yes I know that, but however, it has been referred to J.G.O.. Until the change is made effective

Speaker Sablan: Do you have any objection?

Representative Benigno Sablan: No.

Representative Juan T. Guerrero: I have an objection. The bill should be channel to the proper committee.

Speaker Sablan: That is correct. That is my concern. This is a local revenue bill so it should be refer to the Appropriation Committee who has the jurisdiction of all matters of revenue. I will ask the Clerk to make the necessary correction to refer the bill to its appropriate committee.

Representative Gregorio C. Sablan: Mr. Speaker I ask that the Committee on Appropriation keep in mind that the trust fund is for the improvement of Saipan Secondary Roads particularly and the words "highways" or any mention of the word "highway" be remove.

Floor Leader Nakatsukasa: For matter of expediency Mr. Speaker, if the Congressman of Chalan Kanoa is really in a hurry, then just get the concensus of the Saipan Senatorial District.

Representative Gregorio C. Sablan: I have no objection to that however we are facing taxes in here and your committee might be able to look into the bill and provide more reflective comment on the intent. I will ask though that the committee look into this right away so that action will be ready for the next session.

Representative Benigno Sablan: I will like to be corrected here if this bill has been introduced.

H.B. No. 242: "A BILL FOR AN ACT TO AMEND SECTION 2(a) OF P.L. 4-32, TO EXEMPT THE FUND CUSTODIAN AND INVESTMENT AGENT OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND FROM THE DEFINITION OF EMPLOYEE."

Representative Benigno Sablan: If this bill is not yet introduce, this will officially introduce it. It is also prepared with Standing Committee Report 4-93.

Speaker Sablan: For the information of the members, the bill that was just introduced by the Chairman is also placed on the calendar for today's House action.

Representative Gregorio C. Sablan: Mr. Speaker unless there is any objection, I ask also that the bill I introduced requiring certification of court certified stenographers, if there is no objection I ask that it be place on today's calendar also.

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Speaker Sablan: If there is no objection from the members the Clerk is so ordered to place that bill on today's calendar.

INTRODUCTION OF RESOLUTIONS

Floor Leader Nakatsukasa: Mr. Speaker I have some questions to ask on the resolutions to be introduced. For expediency, I ask that we go on two minutes recess so that I can post my questions and then we can continue on without taking too much time on each resolutions to be introduce.

Speaker Sablan: Your two minutes request for a recess is granted.

The House recessed at 9:45 a.m..

The House reconvened at 9:55 a.m..

Speaker Sablan: The session shall now reconvene. Prior to recess the Floor Leader requested to go on recess in order to discuss some of his concerns with the Chairman of H.E.W.. We are still on the Introduction of Resolutions.

H.R. No. 145: "A HOUSE RESOLUTION EXPRESSING A SINCERE HEARTFELT AND PROFOUND CONDOLENCES TO THE FAMILY OF THE LATE STATESMAN, THE FORMER HONORABLE MAYOR FELIPE CAMACHO MENDIOLA OF TINIAN."

Introduced by: Victor Hocog and twelve others

Representative Hocog: If there is no objection Mr. Speaker I will like to request that we place this resolution on our calendar today.

Speaker Sablan: The resolution just introduced will be place on today's calendar.

Representative Hocog: I have several pre-filed resolution here Mr. Speaker, by request and if I may refrain from reading each resolution and request the Clerk to insert each House Resolution as numbered in our Journal.

Speaker Sablan: If there is no objection from the members, all the members have copies of the resolutions numbered from 134 to 143.

H.R. No. 134: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNMENTS OF THE NATIONS WHICH ARE LOCATED IN OR BORDER ON THE PACIFIC OCEAN TO ACCEDE TO THE INTERNATIONAL CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTE AND OTHER MATTER AT SEA ("LONDON DUMPING CONVENTION OR LDC") FOR THE PURPOSE OF SUPPORTING THE AMENDMENT TO THE LDC OFFERED BY KIRIBATI AND NAURU SO AS TO PROHIBIT THE DUMPING OF NUCLEAR WASTE INTO THE OCEANS OF THE WORLD, AND FOR THE PURPOSE OF DISAPPROVAL OF ANY SCIENTIFIC REVIEW REPORT THAT ERRONEOUSLY CONCLUDES THAT THE DUMPING OF NUCLEAR WASTE IN THE OCEANS OF THE WORLD POSES NO SCIENTIFIC THREAT KNOWN TO SCIENTISTS AT THIS TIME."

Introduced by: Victor Hocog

H.R. No. 135: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE MEMBER STATES OF THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTE AND OTHER MATTER AT SEA, ("LONDON DUMPING CONVENTION OR LDC") TO SUPPORT A PROPOSED AMENDMENT TO BE VOTED UPON AT THE NINTH CONSULTATIVE MEETING OF THE LDC IN SEPTEMBER, 1985, AN AMENDMENT THAT IS OFFERED BY THE INDEPENDENT STATES OF KIRIBATI AND NAURU THAT WOULD PERMANENTLY BAN THE DUMPING OF NUCLEAR WASTE IN THE

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WORLD'S OCEANS, AND FURTHER RESPECTFULLY REQUESTING THE DISAPPROVAL OF ANY SCIENTIFIC REVIEW REPORT THAT ERRONEOUSLY CONCLUDES THAT THE DUMPING OF NUCLEAR WASTE IN THE OCEANS OF THE WORLD POSES NO SCIENTIFIC THREAT KNOWN TO SCIENTISTS AT THIS TIME."

Introduced by: Victor Hocog

H.R. No. 136: "A HOUSE RESOLUTION ENDORSING THE REQUEST OF THE CITIZENS COMMITTEE AGAINST NUCLEAR WASTE DUMPING, INC. FOR NON-GOVERNMENTAL OBSERVER STATUS AT THE SEPTEMBER, 1985 NINTH CONSULTATIVE MEETING OF LONDON DUMPING CONVENTION."

Introduced by: Victor Hocog

H.R. No. 137: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE MEMBER STATES OF THE SOUTH PACIFIC FORUM TO PROHIBIT THE DUMPING OF NUCLEAR WASTE IN THE PACIFIC OCEAN IN ANY PROPOSED TREATY FOR A NUCLEAR FREE ZONE."

Introduced by: Victor Hocog

H.R. No. 138: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNMENTS OF THE ISLANDS OF THE PACIFIC AND THE NATIONS WHICH BORDER THE PACIFIC TO MAKE KNOWN TO THE GOVERNMENT OF JAPAN THAT THE PACIFIC ISLAND NATIONS WILL OPPOSE THE DUMPING OF NUCLEAR WASTE IN THE PACIFIC OCEAN UNTIL IT'S TOTAL ABANDONMENT, AND THAT THE PACIFIC ISLAND NATIONS WILL NEVER GIVE A "CONSENSUS" NOR EXPRESS A "REGIONAL UNDERSTANDING" TO THE GOVERNMENT OF JAPAN FOR ITS NUCLEAR WASTE DUMPING PLAN TO THE PACIFIC OCEAN."

Introduced by: Victor Hocog

H.R. No. 139: "A HOUSE RESOLUTION RESPECTFULLY AND STRONGLY REQUESTING THE GOVERNMENT OF JAPAN TO COMPLETELY ABANDON ITS NUCLEAR WASTE DUMPING PLAN IN THE PACIFIC OCEAN AND MAKING THE GOVERNMENT OF JAPAN AWARE THAT IT WILL NEVER GET "REGIONAL UNDERSTANDING" NOR A CONSENSUS" BY THE PACIFIC ISLAND NATIONS FOR A NUCLEAR WASTE DUMPING PLAN IN THE PACIFIC OCEAN BY THE GOVERNMENT OF JAPAN AND BY ANY COUNTRY."

Introduced by: Victor Hocog

H.R. No. 140: "A HOUSE RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT TO GIVE THE VIEWS OF THE COMMONWEALTH GOVERNMENT SYMPATHETIC CONSIDERATION IN ITS PRESENTATION TO THE LONDON DUMPING CONVENTION."

Introduced by: Victor Hocog

H.R. No. 141: "A HOUSE RESOLUTION REQUESTING GREENPEACE INTERNATIONAL TO PERMIT REPRESENTATIVES FROM THE COMMONWEALTH OF THE NORTHERN MARIANAS TO ATTEND THE LONDON DUMPING CONVENTION MEETING AS PART OF THE GREENPEACE DELEGATION."

Introduced by: Victor Hocog

H.R. No. 142: "A HOUSE RESOLUTION TO URGE THE SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAM TO INCLUDE THE PROPOSED JAPANESE RADIOACTIVE WASTE DUMPING SITE APPROXIMATELY 600 MILES NORTH OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AS A PROHIBITED AREA UNDER THE DRAFT CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC."

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Introduced by: Victor Hocog

H.R. No. 143: "A HOUSE RESOLUTION TO URGE SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAM TO EXPLICITLY AND TOTALLY BAN THE DUMPING OF RADIOACTIVE WASTES IN THE PACIFIC REGION BY USING THE PHRASE "PROHIBIT RADIOACTIVE WASTE" IN PLACE OF THE PHRASE, "PREVENT, REDUCE AND CONTROL POLLUTION" IN THE DRAFT CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC."

Introduced by: Victor Hocog

Representative Hocog: I ask Mr. Speaker that we consider these resolutions in our Resolution Calendar today.

Representative Benigno Sablan: My question Mr. Speaker, are we going to have all eleven resolutions calendared today?

Speaker Sablan: Yes.

H.R. No. 144: "A HOUSE RESOLUTION REQUESTING THE MPLC TO DESIGNATE PUBLIC LAND FOR THE CONSTRUCTION OF A COMMUNITY HALL IN DISTRICT NO. 4 BY THE KOREAN ASSOCIATION."

Introduced by: Gregorio C. Sablan and Vicente M. Sablan

Representative Gregorio C. Sablan: I ask the members indulgence to consider this resolution in today's calendar.

Speaker Sablan: If there is no objection from the members, the subject resolution has been pre-filed and it is numbered 144 will also be place on today's calendar. Any other resolution to be introduced?

MESSAGES FROM THE GOVERNOR

109: Informing the House of Representatives that he has signed into law Senate Bill No. 4-14, S.D. 1, H.D. 2, entitled, "To create Soil and Water Conservation Program within the Department of Natural Resources.", into P.L. No. 4-44.

110: Informing the House of Representatives that he has signed into law House Bill No. 204, S.D.1, entitled, "To amend the Commonwealth Nuclear and Chemical Free Zone Act, to prohibit nuclear weapons and nuclear powered ships, submarines, reactors, power plants, and other radioactive materials from the Commonwealth, to exempt the United States Government from compliance with the Act with respect to all matters related to United States foreign affairs and defense responsibilities affecting the Northern Mariana Islands.", into P.L. 4-45.

111: Advising the House of Representatives that he has signed into law Senate Bill No. 4-74, H.D. 1, entitled, "To amend the Definition of Capital Improvement Project, 1 CMS Section 7102(g)." into P.L. 4-46.

112: Re-appointing Mrs. Margarita O. Taitano to serve as a member of the Chamorro/Carolinian Language Policy Commission.

113: Re-appointing Mrs. Brigida DLG. Ichihara to the Chamorro/Carolinian Language Policy Commission.

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- 114: Advising the House of Representatives that he has signed into law House Bill No. 122, S.D. 1, entitled, "To establish a Commonwealth Utilities Corporation." into P.L. No. 4-47.
- 115: Advising the House of Representatives that he has signed into law Senate Bill No. 4-73, S.D.1, H.D.2, entitled, "To amend P.L. 3-104 to provide for licensing of corporations of issued 1984 retail banking licenses but not doing banking business prior to February 6, 1984." into P.L. No. 4-48.
- 116: Advising the House of Representatives that he has signed into law House Bill No. 136, H.D. 1, S.D. 2, entitled, "To establish the Commonwealth Development Authority, providing for its purposes, powers and duties, providing for its capitalization and operation; imposing an obligation of regular reporting by the Authority." into P.L. No. 4-49.
- 117: Appointing Mr. Jesus D. Sablan to serve as a member of the Chamorro/Carolinian Language Policy Commission, replacing Bishop Tomas Camacho.
- 118, 119, 120: Appointing Ms. Christina Fertti, Ms. Elizabeth S. Torres and Ms. Melinda King to serve as members of the Board of Nursing Examiners.

Speaker Sablan: Is there any member who wishes to comment on any of the Governor's Communication. I will like to formally refer Communication No. 114 to the Appropriation Committee, Communication No. 116 to the R & D Committee.

Representative Pedro R. Guerrero: Mr. Speaker the concern raise will he succeeded

Speaker Sablan: On the bill that you introduced?

Representative Pedro R. Guerrero: Yes.

Representative Gregorio C. Sablan: I will like to request on the communication that is just referred to the R & D Committee, this will be of real interest to the Commonwealth Negotiators and I ask that the negotiators be advised on the findings for the best interest of the Northern Marianas.

Speaker Sablan: Can you take note of that Mr. Chairman?

Representative Pedro R. Guerrero: Mr. Speaker all members of the negotiating team, including its Chairman, Washington Representative will have copies of the committee report.

Speaker Sablan: Can you formally request them to participate on any committee meetings or ask for their comments in the proposed amendments.

Representative Pedro R. Guerrero: It shall be done.

Speaker Sablan: Any other comments? Let us now move on to Departmental Communication.

DEPARTMENTAL COMMUNICATIONS

- 23: From Thomas B. Aldan, Director, Department of Finance, enclosing the CNMI Annual Financial Report.

Speaker Sablan: I will also like to refer this to the Appropriation Committee for their review and comments.

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Representative Juan T. Guerrero: Do you want comments from the committee or do you want the comments now. I have my own personal comments. As a member of this legislature I have no interest in attacking the Director for his submission, however, the cover letter of his submission is not only erroneous, but he is siding the wrong provision. It should be 1 CMC Division 2, Section 2555. Furthermore, Mr. Speaker the financial statement that was submitted by the Director of Finance are rather misleading and erroneous. The balance sheet on the general fund, there is not even a mention of any accounts payable. We should be concern that the accounts payable of the CNMI Government is rather high and is not being reported. Any prior years deficit is not even listed. The voucher payable is negative and this indicates overpayment in accounting procedures or control. It lacks that provision. On Exhibit 2 Mr. Speaker the Obligated Allotment is showing that we have \$3,608,696.40, and this also reflect that this is a negative adjustment. It is a question for what. On Exhibit 3 it is unclear what is unclaimed checks. Terrible. On Exhibit 4 it shows that the Operation Cash for the CNMI, we have an overdrawn of \$893,000. This shows again the lack of accounting control from the part of the Department of Finance. On Exhibit 5 the Unallowance for Doubt Account, we should receive a breakdown of this particular account and which account were written of. The allowance is 34% of the total receivable and this indicates a relatively high percentage that the legislature should be concern. On Exhibit 7, Schedules Due To and From Accounts, if these are dues why are the figures so high. Why haven't we collected more. On Exhibit 8 Mr. Speaker, Accrued Payroll indicates that this is very high and this is actually an obligation of the government. On Exhibit 9 why do we have returned checks from Bank of Guam. What does this stand for? On the Alien Security Bond Deposit this does not even reflect if we are generating any interest. On Exhibit 10 and this again fellow colleagues what we should look into is the Unliquidated obligation of the CIP which is over obligated. What kind of financial control we have in our government, from the indication of this report, there is none. Let us go on Exhibit 31, if the Senate are out of money I will like to share with the members of this House why is the College allowed to over obligate by \$138,000.00. This report shows that the College owes the General Fund. Again Mr. Speaker with the lack of the promulgation of the accounting manuals and procedures, the Department of Finance lacks the control in administering its function. I have written a draft letter to the Director of Finance to immediately with the consultation of the Public Auditor to come up with procedures and accounting management in order to control the abuse and the mismanagement of the system here in the CNMI. These are my concerns right now.

Speaker Sablan: The other concern I have Mr. Chairman is that I feel that this financial statement should be qualified and the only way to qualify this is to have the Public Auditor to certify the statement.

Representative Gregorio C. Sablan: For your information I have spoken to the Public Auditor recently and he is in the process of preparing a financial statement for the Northern Marianas Government. As I understand the U.S. Public Law 97-357, the cash reported are of the United States Government Branch to the American Territories and the Commonwealth of Puerto Rico and the Northern Marianas. I tried to get a copy of the Public Law, however I was not able to do it. If you look at these Mr. Speaker, with the exception of few items and at this particular time the Saipan Revolving Fund, I think that is also required, that was in effect a grant from the United States Government. I think all the other items can be specifically trace back to the specific appropriation by the U.S. Congress. I know there are other things here that has specific wordings that can be trace back to the U.S. Congress. If you look at Exhibit 15 Mr. Speaker that shows the general picture of the House being reported here.

Representative Fitial: EDLF?

Representative Gregorio C. Sablan: Yes, EDLF is also a direct appropriation by 702C of the budget of the U.S. Public Law 94-92. I will agree with Chairman Guerrero that the Governor is required to report annually to the legislature on financial statement. I cannot see how, unless the U.S. Public Law 97-357 require the Director of Finance to report to the legislature. I do not know why he is personally doing this and I know some of these numbers

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are very unapprehensive at the very least because we have just gone through government information that they have made major adjustments on some of the accounts that he is reporting here. However, for the record, the Public Auditor has told me that he is preparing a financial statement for fiscal year '84. It is going to be very lengthy. The management letter is going to be very lengthy and it will be very critical of the financial system here in the Northern Marianas. The Director of Finance should not have reported some of these items in the first place.

Representative Juan T. Guerrero: Just for clarification, U.S. Public Law 97-357 requires the Governor to submit the financial report of the CNMI Government. In conjunction with the Public Auditor, the Public Auditor has found that there are figures in here that are inserted without any justifications and that some of the figures does not jive with the Covenant Negotiators stuff that was submitted to the U.S. Congress. This is an embarrassment Mr. Speaker. This report is considered a waste.

Floor Leader Nakatsukasa: Mr. Speaker on Exhibit 24 I am curious to find out under the Senatorial Tax

Representative Juan T. Guerrero: On that same Senatorial Tax if my colleague will allow me Mr. Speaker the slaughter house on the resources identification the House realized or identified the possible funding from the slaughter fee of \$12,000. EDLF foot the bill for the slaughter house, the bulk of it and to this date we have a structure without substance. It is also an embarrassment that we continue to fund this kind of project and yet we do not see any reorganization of the usage and the ability of the government to collect possible fees on the usage of that slaughter house.

Representative Gregorio C. Sablan: Ready to move on.

SENATE COMMUNICATIONS

- 158: From Senator Olympio Borja, relative to President Rasa's letter to the Director of Finance, Thomas B. Aldan.
- 159: From Honorable Ponciano Rasa, President of the Senate, thanking Speaker Sablan for his letter dated May 2, 1985, relative to H.B. 22.

Speaker Sablan: Any comments? If none let us move on.

PETITIONS, MEMORIALS AND COMMUNICATIONS

- 130: From Acting Marianas/Guam Liaison Officer, submitting a copy of CNMI citizens attending the Apprenticeship Program with the Navy in Guam.
- 131: From the United States of America, Department of Transportation, Office of the Secretary, Washington, D.C., in the matter of Pan American World Airways, Inc., termination of service at Guam under Section 401 of the Federal Aviation Act of 1958, as amended.
- 132: From the United States of America, Department of Transportation Office of the Secretary, Washington, D.C., motion of the Guam for an order extending Pan American's backup service obligation.
- 133: From Executive Director, Chamorro/Carolinian Language Policy Commission, Mr. Jose M. Taitano, providing the House a copy of joint Guam/CNMI Language Commission Conference Report held in Guam.

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- 134: From the Elected Con Con Delegates from Tinian, voted Mr. James M. Mendiola to be the delegation Chairman.
- 135: From the undersigned Con Con Delegates Elect, selected Mr. Jesus P. Mafnas to be the Chairman from the Third Senatorial District.
- 136: From Managing Director, MVB, submitting a Management Report for the month of April, 1985.
- 137: From the undersigned Con Con Delegates from Rota, selected Delegate Aniceto H. Mundo to be the Delegation Chairman.
- 138: A memorandum of understanding signed by Representatives of the Government of Japan and the United States of America, relative to the implementation of the bilateral Civil Air Transportation Agreement signed at Tokyo on August 11, 1954, as amended.
- 139: From Representative Gregorio C. Sablan, informing the Speaker of the status of the discussions and negotiations regarding the Covenant Financial Assistance to the Commonwealth of the Northern Mariana Islands.
- 140: From Chief Legal Counsel, Joel Bergsma, submitting their trip report to Washington, D.C.
- 141: From Mayor Jose S. Rios, submitting his Annual Report of the Office of the Mayor.
- 142: From Rep. Benigno R. Fitial, Chairman, CNMI Commission on Federal Laws, relative to Fiscal Year 1985 supplemental appropriation for the Commission on Federal Laws.
- 143: From Deputy Chief Legal Counsel, submitting the reviewed Immigration and Procurement and Supply Regulation and other topics.
- 144: From Chief Legal Counsel, Joel Bergsma, submitting the summary of the meeting on Commission on Federal Laws.
- 145: From Pete Reyes, Chairman, Board of Elections, relative to his letter dated May 1, 1985, funding request for the office of the Board of Elections.
- 146: From James M. Mendiola, informing Governor Tenorio, President Rasa and Speaker Sablan that the Pre-Convention Committee elected delegates James Mendiola and Aniceto Mundo as the Chairman and Vice Chairman.
- 147: From William D. Sakovich, submitting his trip report to Suva, Fiji.
- 148: From James Mendiola, Chairman, Pre-Convention Committee, requesting House of Representatives staffs to assist in the Second Constitutional Convention.

Floor Leader Nakatsukasa: Mr. Speaker what is the status of Communication No. 135.

Speaker Sablan: I have referred this to the Appropriation Committee already.

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Representative Gregorio C. Sablan: Mr. Speaker also for the record I wish to advise the members that in the election of the Con Con I volunteered my service, free of charge to assist in the election of the Con Con because they have a financial restrain in the Northern Marianas and they turn me down. They turned me down, my free service and now they are turning around saying that they have over expended. This is ridiculous. I was not a candidate for the Con Con Election and not a candidate for the November's election. I was volunteering free of charge. They turned down volunteers and now they are saying that they have over expended?

Representative Fitial: I also received communications from the Pre-Con Con Committee requesting that I release some of the Minority Staff force for the Con Con. Hearing the statement from Representative Kilili I believe the Con Con is being selective in their selections because they are requesting for support.

Representative Gregorio C. Sablan: No I was talking about the election.

Representative Fitial: May I ask how much money does the Con Con have?

Speaker Sablan: We appropriated \$100,000.

Representative Fitial: \$100,000 is not enough?

Speaker Sablan: That is what they are saying but they have not submitted the operational funding requirement based on the \$100,000 appropriation.

Representative Juan T. Guerrero: Mr. Speaker the Pre-Convention Delegates with Senator Manglona and myself sat down and we talked about their possible financial problems. From my gathering on that conversation, the meeting that took place, the \$100,000 pretty much takes care of all the essential needs for the Convention's Operation. What they are asking is an additional \$100,000 to fund for lawyers. My suggestion, I told the Pre-Convention Committees to sit down with the Speaker of the House and the Senate President and the Governor and try to identify if there are available attorneys to be utilize for that purpose. The on-going rate that was or were solicited, most of the lawyers fees are at \$90.00 per hour. The suggestion is for them to sit down with the leadership and also with the Governor to identify possible lawyers, but in my findings from the papers that they provided they have enough funding for the operation. I do not see why also the Pre-Convention has selected to rent the House of Taga when the Convention Center up there is firstly constructed for Convention Center, not for Cultural and Arts purposes. I believe the Convention has priority over any other function at this point in time, therefore, it should be utilize. What they do not like about the Convention Center is that it is open and it is not sub-divided. I heard some comments that the first convention took place under one room where the committees were divided in that one room into separate committee function. I do not see why we cannot do that.

Representative Gregorio C. Sablan: In another matter, the bill provides for the convention to be held in thirty days, I find hard to believe, and I also have heard that the convention has urge the need for three lawyers. If you take approximately \$90 to \$100,000 for legal fees and divide that into thirty days, how much work is the convention going to get into in thirty days. It has no legislative function. Say a lawyer works eight hours a day, thirty days straight, that is \$300.00 an hour. Jesus H. Christ there is no money in the Northern Marianas fund. I do not know what they are going to do if they do not get the money Mr. Speaker, are they going to cancel the convention? What is going to happen. It is going to be like the upper house where they draw salary every two weeks but they cannot hold sessions because they do not have any money. Why do they draw salaries?

Representative Fitial: The two are related.

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Representative Gregorio C. Sablan: I do not know what the Convention is doing. I was hoping that the Convention Delegates will get together starting this last Monday and start looking at each others proposals or go into workshops and iron out their differences now so that there will be less chaos and division of their personalities. They have not done that. They are going to walk in there swear in and I have also heard that some of the delegates are discussing of putting in the court rules into the Convention.

Speaker Sablan: Representative Demapan has to be excuse for his medical appointment. Yes you may be excuse.

Floor Leader Nakatsukasa: Mr. Speaker I will like to find out from the Chairman of the Appropriation how much has been consumed to date by the Constitutional Convention.

Representative Juan T. Guerrero: The law that allows the Constitutional Convention only authorizes the President of the Convention to be the disbursing officer and at this point in time they cannot spend the \$100,000.

Floor Leader Nakatsukasa: The reason I ask is because they have been meeting at various places. I do not know if that is free of charge or they go dutch treat. At any rate Mr. Speaker if we can reprogram \$50,000 to send somebody to Guam for the little league, or send somebody to Tahiti to participate in the Arts Festival, then the \$50,000 for the Con Con is as important as that funding use to send the little league. Personally I will support the request for the additional \$50,000 if there is money, or request the Governor to reprogram. I do not think we should hold the convention on account of lack of funding. I know that the \$50,000 can be reprogram out of the Public Works or the Agriculture Department to make sure that the Convention

Representative Gregorio C. Sablan: Then maybe we can borrow CIP money.

Floor Leader Nakatsukasa: Yes.

Speaker Sablan: I think the important thing here is for the delegates to stick to the amount appropriated as agreed with the Chairman of the Appropriation Committee. There is a public place available at Capitol Hill, the Convention Center that can be utilize rather than renting a private building.

Representative Juan T. Guerrero: While there is no official submission for request Mr. Speaker. . . .

Speaker Sablan: There is no official request at this time that I have receive. However, I have been informally informed that there is a shortage of funding. I asked the Pre-Convention Chairman to submit a formal request to the legislature so that we can look at the situation.

Representative Gregorio C. Sablan: On another item, Miscellaneous Communication No. 147, my good friend Mr. Sakovich, in his report if the members will look at it, Mr. Sakovich is very highly recommending that the Northern Marianas become a member of the Olympics. We cannot even take care of our own amateur. Every time our little leaguers are going off-island we have to contribute. We have no money. If this is the only ~~was~~ ^{way} that somebody reporting has to satisfy their off-island trips, please go and when you come back do not bring any ideas please.

Floor Leader Nakatsukasa: Mr. Speaker I will like to advise those that are in support of Mr. Sakovich. Look at that basketball court, I have never seen any basketball court where the dock part is higher than the bleacher. That is the product of Mr. Sakovich. Secondly, knowing that Guam is more sophisticated for the olympics, they come on record and they refuse to present participants to join in the olympics. I tend to agree with Kilihi. I also do not know if Mr. Sakovich is going to be here for the next five years and are we going to continue every time there is a report from Sakovich to praise him, what about Mariano Taitano.

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What about Joaquin Igisomar or Jose Sanchez? I am not prejudice but Mr. Speaker, knowing that this people will only be here for two years and they will be gone just like the blowing of the wind, they will never come back and we are still attacking our own people that they are not qualified, they do not know anything about sports, how in the world can these people learn if we do not send them to this places. Who benefit. It is about time that we say our piece too Mr. Speaker. I cannot continue to tolerate this kind of bad mouth. Chamorro for Chamorro.

Representative Fitial: What about Carolinians?

Representative Pedro R. Guerrero: Privilege Mr. Speaker. Before the members of the House speak of another person, that individual speaking for another person must do some work and think that Mr. Sakovich is a credit to the CNMI. Very much so Mr. Speaker. Thank you.

Representative Gregorio C. Sablan: I am not doubting. I am just commenting on his report.

Representative Pedro R. Guerrero: I am not speaking in terms of report Mr. Speaker I am just making reference to the remarks.

Representative Gregorio C. Sablan: Mr. Speaker the report is under discussion not Mr. Sakovich. Like I said, he is a good friend of mine.

Representative Pedro R. Guerrero: Well to be direct Mr. Speaker, I was referring to the statement made by Congressman Nakatsukasa. Thank you.

Representative Gregorio C. Sablan: Can we move on?

Speaker Sablan: Before we do so let me recognize Representative Fitial.

Representative Fitial: I was going to ask Mr. Speaker if I can be permitted not to re-introduce because I already introduced the resolution congratulating the delegates for the Con Con. I was just going to ask if we can entertain that resolution today.

Representative Juan T. Guerrero: No objection.

Representative Gregorio C. Sablan: Objection. I want to congratulate them when they finish their work.

Representative Fitial: I am congratulating them on their election.

Representative Gregorio C. Sablan: I already shook their hands. Can we wait until they do something. They have not done anything, except get my votes. That is all they did. No objection Mr. Speaker.

Speaker Sablan: Is the resolution ready?

Representative Fitial: Yes.

REPORTS OF STANDING COMMITTEES

4-88: Reporting on Senate Bill No. 4-54, S.D. 2, entitled, "A Bill for an Act to amend the Non-resident Workers Act; Chapter 4 of Division 4 of Title 3 of the Commonwealth Code, and the entry and deportation Act of 1982; P.L. 3-105."

4-89: Reporting on House Resolution No. 41, entitled, "Requesting the Governor to conduct a study and its implementation of collecting the surface water runoff at As Agaton and Sadog Mamis in Tanapag

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and I Paupau in San Roque for additional into the Saipan Water System."
(Your Committee on J.G.O. recommends adoption)

4-90: Reporting on House Resolution No. 42, Committee Substitute, entitled, "Relative to requesting the Governor to certify the need for a public cemetery in San Roque in order for the MPLC to designate and reserve sufficient acreage of land for use as public cemetery for the people of San Roque."
(Your Committee on J.G.O. recommends adoption)

4-91: Reporting on Senate Bill No. 4-76, S.D. 1, H.D. 1, entitled, "A Bill for an Act to mandate budget austerity by establishing personnel ceilings for the Legislative Branch, freezing the pay of Legislative employees, providing for the transfer of legislative employees to other employment, and limiting the continuing expenditure authority and future budget of the Legislature; and for other purposes."

Speaker Sablan: Any comments on any of the Standing Committee Reports?

Representative Fitial: None.

Speaker Sablan: If none I will like to ask the Floor Leader or Representative Greg Sablan to effectuate a motion to waive the requirements of Committee Report to H.B. No. 252.

Floor Leader Nakatsukasa: So move Mr. Speaker.

Representative Gregorio C. Sablan seconded the motion.

Representative Gregorio C. Sablan: Mr. Speaker does that include all the other measures that has been placed on today's calendar?

Floor Leader Nakatsukasa: For the record Mr. Speaker, H.R. Nos. 134 up to 143.

Speaker Sablan: Including 128, the congratulatory resolution.

Floor Leader Nakatsukasa: Mr. Speaker motion to suspend Rule 9 Section 7, Rule 7 Section 8(a), Rule 9 Section 8 in order that we can place these on today's calendar.

Representative Gregorio C. Sablan: That motion is already in the floor.

The motion to suspend Rule 9 Section 7, Rule 7 Section 8(a), and Rule 9 Section 8, pertaining to H.R. Nos. 134, 135, 136, 137, 138, 139, 140, 141, 142 and 143, carried by voice vote.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

4-9: Conference Committee Report No. 4-9, reference to S.B. No. 4-30, H.D. 1, C.D.2.
"A Bill for an Act to license shooting galleries for a three year trial period, to exempt patrons of commercial target ranges, and security services from certain sections of Chapter 2 of Title 6 of the Commonwealth Code, and for other purposes."

Representative Benigno Sablan: Mr. Speaker I will like to report the Conference Committee Report 4-9. This is a bill for an act to license shooting galleries for a three year trial period, this report has substantial changes. On page two of the Conference Committee Report No. 1, made the prohibition a certain size and type of firearms found in

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CMC Section 222(e) applicable to galleries and ranges for only .22 caliber rifles and .14 gauge shotgun. This has been discussed quite extensively in the past sessions and we have agreed to remove the earlier language that pertains to .22 caliber guns only and have now added and change that to .22 caliber rifles and shotguns for shooting galleries. That is the statement brought up by the Senate and whereas the Conference Committee Personnel mainly myself, Pedro Nakatsukasa and Pedro Guerrero confirmed to that and hope that the members of this Body will agree with the committee to pass this on today's session.

Speaker Sablan: Can you effectuate a motion so that we can open for discussion.

Representative Benigno Sablan: Thank you Mr. Speaker, I move that Conference Committee Report 4-9 be adopted.

Representative Francisco Cabrera seconded the motion.

Representative Gregorio C. Sablan: I have a few question Mr. Speaker.

Speaker Sablan: Can we first have a short recess.

The House recessed at 10:37 a.m..

The House reconvened at 11:49 a.m..

Speaker Sablan: The session shall now reconvene. Prior to recess we are still discussing Conference Committee Report 4-9 with regards to Senate Bill No. 4-30. At that time I recognized Representative Greg Sablan.

Representative Gregorio C. Sablan: Thank you Mr. Speaker. Before yesterday's session I spoke with our good Chairman on J.G.O. who also heads the Conference Committee. He said that some of the reservations has been addressed, I have looked into the matter more closely and I have two more questions to ask before I finish with the bill. Mr. Speaker the problem of gun, the possession of gun in the American Justice System has been basically a lot of questions; (a) on the construction of the laws that authorizes, the right to bear weapons and the right to borrow weapons. The construction of law is not clear. A policy argument that has in the past been discussed is the authorizing of the .22 caliber guns and .14 gauge shotgun. Why don't we have the bill that says just that instead of all these sections here, Section 4 exempts, and then Section 5(e) provides for the supervision of handguns. I do not know if there is 410 handguns. This is ambiguity, one section prohibits and one section allows for the supervision. The committee report specifically says on page 2, "Your conferees also do not recognize an urgent need to expand firearms use by private security guards," and I quote "especially in view of strong objections from the Attorney General," end of quote. The Attorney General Mr. Speaker specifically objected any expansion of the law of the weapon control act. They objected to the intent of S.B. No. 4-30. That is in their testimony. I feel that the committee report deceit public official comments. Question Mr. Speaker, it says here on the second paragraph, No. 2 it says "Require a security guard to be posted at all times when weapons are used by licensee." What is the use of having the security guard who is untrained, who is not allowed to posses a weapon, controlling both in possession of one weapon. What is the guy going to do. Who is he guarding. Mr. Speaker the Weapons Control Act under the Commonwealth Law provides what is possession, who is in possession of the weapon. If I walk into this place, if I walk pass that door and enter into that door I'm I going to be a suspect because of the weapon, to be in a possession of a weapon. The premises has weapons, question of law. If you walk into the scene of a crime and a weapon is lying next to you, you are the only person there, are you in possession of a weapon? In court if you are going to argue, yes you are in possession of a weapon. You are the only person there. If it is in your car and you get a parking ticket, a weapon is found in your car and you have no idea how it got there, are you in possession of that weapon? Yes. Mr. Speaker I have a question, it says here on Section 5(e) "Rules to provide for the supervision of handguns used in shooting galleries which shall include the requirement that except during the

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business hours of a shooting gallery and a reasonable time for transportation," a reasonable time for transportation. Who will transport the weapon from the premises to the public safety, to the storage place. The security guard? The security guard according to the Conference Committee Report is not qualified. He is untrained and shall be unlicense. The possession of weapon will rest in the security guard who is unlicense while that weapon is illegal at that point in time. Come on we have got to address this accordingly and let us make it very simple. Are we authorizing handguns? If we are then say it straight out in a straight language. There is this argument Mr. Speaker that it is a good promotion for the tourist. Facts of life, the only reason tourist comes to the Northern Marianas is for the sun, the beach. That is all that we got. That is what we sell in Tokyo. Mr. Speaker I will support the bill if those questions are address and safeguards are provided. I cannot at this point in time, and I ask my dear colleague to kindly understand. Evidence of weapons in court cases has been very, almost, always been focus on the construction of laws. If we can address this in crystal clear language what we are passing, what we are considering, but there are so many unclear things right now Mr. Speaker that this bill will eventually have court cases. I ask the indulgence of my dear colleague to either take it back, I suggest that he takes it back to conference and make those unclear matters clear. Right now it is not a matter of policy that we are discussing, it is the construction of the law. Mr. Speaker as a legislator I refused, it is my obligation to define policy as clear as possible.

Representative Benigno Sablan: Several positions were indicated, in particular, or at least my good colleague, Chairman Kilili has indicated line 21, page 2, that it is indeed a deceiving portion. That has been inadvertently not corrected. However, if you look at line 24, handguns is deleted. We just didn't see that quite clearly, however we should have striken line 24 up to the words "gallery handguns" and we should insert the word "weapons." With regards to security guards that are not armed, we have security guards throughout the island that are not armed, taking care of banks, hotels and other related industries. I do not know if they are fully trained, I do not know if our DPS are fully trained and yet they are carrying handguns. These are perhaps questions that will pertain primarily to an individual, primarily this particular Body. It is true that this has been a belated bill and I know that construction of law is very important in regards to Judiciary Branch, but I think that is the function of the Judiciary Branch. If this bill is considered by the Judiciary Branch to be not appropriate, they could tell us so. At this point in time we feel that it is our function to create laws and that it should be enforce by the enforcement organization., the government, as well as the Judiciary Branch. Basically Mr. Speaker at this point in time I feel that we should go ahead and vote on this particular bill. I feel that the members are very well versed. This bill has been worked thoroughly. I am still in support of the bill, we have taken your recommendation for removing the language .22 caliber guns and inserting .22 caliber rifles and .14 guage shotgun. That has been your recommendation when we voted on this and we had a tie vote and that I am in a position to report at this point in time and the committee has agreed on the conference report that this is the position of this Conference Committee.

Speaker Sablan: The only concern that I have right now is the way to propose an amendment to line 21, page 2, to strike out the word "handguns" and in lieu thereof to insert the word "weapons." This is the jurisdiction of the Conference Committee and at such is incumbent that the Conference Committee Report should address that and report it back to the House. That is according to our House Rule. Any changes at this time has to be agreed upon by both conferees.

Representative Benigno Sablan: I do understand Mr. Speaker the procedures, however, we have already striken the word "handguns" from here and I said it is inadvertently not striken. I think we should take that as just a matter of technical errors. With that basis we should keep it here and if you want a floor amendment to strike out "handguns" we will do that right now.

Floor Leader Nakatsukasa: As a member of the Conference Committee I think we should consider this because it is very obvious on line 24 that they have striken out "handguns." Inadvertently they fail to strike out line 21 after the word "of handguns." As the Chairman

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has stated, we do not have any intention to include this wording.

Representative Benigno Sablan: I have Mr. Speaker both attorneys looked at this bill, I do not know how serious the bill was looked at but this has been referred back and forth to the conferees. Just yesterday we have spotted another technical errors, the exemption of handguns. Also, still on Section 4(e), no I am sorry. Mr. Bellas do you remember what . . .

Legal Counsel Bellas: Line 20 page 1.

Representative Benigno Sablan: Right. On page 1, line 19 to line 20 we have striken out after "2222," we have striken out "except subsections (e)" and continuing with "2227 and 2230 of this Chapter," has been retain. Again for the matter of clarification on line 21, page 2, where "handguns" is indicated, that has been a technical error and we have shown on line 24, page 2 that "handguns" have been deleted and inserted the word "weapons." I hope the members of this Body realizes that and that we should go ahead and vote on the bill.

Speaker Sablan: With all the concerns raise by Congressman Kilili in regards to the time the weapons are being transferred to the DPS . . .

Representative Benigno Sablan: This allows the licensee, there is no mention here that the security guards are the sole employee to remove firearms from the shooting gallery to DPS. The licensee are allowed to do this.

Floor Leader Nakatsukasa: I will like to post your attentio to Section 5, the "Regulation of Shooting Galleries." In the question of law Mr. Speaker this addresses that "The Attorney General shall promulgate regulations for the licensing and safe operation for a maximum of two shooting galleries. Those regulations shall provide for but not be limited to: subsections (a), (b), (c), (d), and (e)." I think Section 5 takes care of that. The Attorney General will promulgate such regulations in order to confine with the provisions of the law. They are the people who knows about the law. They know about guns. Their office should promulgate the policy. We cannot make the policy here.

Representative Juan T. Guerrero: I just have two questions Mr. Speaker. Is it the intent of the bill to authorize the limited number of weapons? That is the first question. Are we going to have an open sky where we can have ten thousand .22 rifles and .410 shotguns and also what is the intent of the bill when it says on Section 5(c), "A requirement that shooting galleries be located in uninhabited or sparsely populated areas," is it going to be open sky? Outside where probable danger might exist, or is the intent left with the Attorney General to decide if it will require that it should be in a control, enclosed building. I do not think those issues are addressed in this bill. I will like the Chairman to answer.

Representative Benigno Sablan: Question No. 1 if I may refer first to the "uninhabited or sparsely populated areas," is simply saying that this particular shooting gallery will not be allow to be open in Chalan Kanoa where there is a lot of residential area.

Representative Juan T. Guerrero: Mr. Speaker the way Saipan is located now with the population movement, there is practically two location here, government land or private land that does not join to any public lease, except for the back portion. We have people going to those location for whatever purposes. I do not believe that this should be in an open area.

Representative Benigno Sablan: The second question, how many guns should be allow in a particular shooting gallery. Mr. Speaker I seriously think that it will go over ten thousand as what my colleague stated. The building perhaps should take care of that, the number of guns per shooting gallery. In regards to shooting in the open air, we have at this point in time Mr. Speaker the Weapon Control Act that allows .22 and .410 gauge that needs license fee for individuals here in the CNMI who qualifies to obtain gun license. This license does not indicate whether you should shoot in the open air, it is common knowledge that when you have a gun you go in the boonies and shoot in the open space. I do not see the reason, especially if you are uninhabited and sparsely populated areas.

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Representative Pedro R. Guerrero: Mr. Speaker I move for a short recess.

Vice Speaker Tudela seconded the motion.

Speaker Sablan: Let us have a short recess.

The House recessed at 11:10 a.m..

The House reconvened at 11:17 a.m..

Speaker Sablan: The session shall now reconvene. Prior to recess we are still discussing the Conference Committee Report 4-9. At this time I will like to recognize the Chairman for the Conferees.

Representative Benigno Sablan: Thank you Mr. Speaker. For the last time I hope, I move that we refer this back to the Conference Committee to work it out with our counterparts with the Senate and hopefully we can get it out by next week's session.

There were several second to the motion.

The motion to refer back Conference Committee Report 4-9 to the Conferees Committee, carried by voice vote.

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

H.R. No. 128: "A HOUSE RESOLUTION EXTENDING THE WARMEST CONGRATULATIONS OF THE HOUSE OF REPRESENTATIVES TO ALL THE DELEGATES ELECT TO THE SECOND CONSTITUTIONAL CONVENTION OF THE CNMI UPON THEIR ELECTION."

Floor Leader Nakatsukasa: Mr. Speaker I move for the adoption of H.R. No. 128.

Vice Speaker Tudela seconded the motion.

Speaker Sablan: Discussion.

Representative Gregorio C. Sablan: Mr. Speaker I have some discussions. Can we congratulate also the losers for trying. Does the author have any objection?

Representative Fitial: No objection.

Representative Gregorio C. Sablan: No objection so can the Clerk be authorize to mention also one "whereas" paragraph and the names of the losers.

Representative Fitial: I think the losers will object to that. (Laughter)

Speaker Sablan: Why don't we stick to the intent and purpose of the bill and that is to congratulate those that are fortunate.

Representative Gregorio C. Sablan: Mr. Speaker the following people received the trust and confident of the Commonwealth. They had votes that received the trust and confidence of the voters, the people of the Commonwealth. I voted for somebody who lost.

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The motion to adopt H.R. No. 128, carried by voice vote. H.R. No. 128 is hereby adopted by the House.

Representative Gregorio C. Sablan: Mr. Speaker I move that the House pass H.R. Nos. 134, 135, 136, 137, 138, 139, 140, 141, and 143. These resolutions are all relative to nuclear dumping.

There were several second to the motion.

H.R. No. 134: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNMENTS OF THE NATIONS WHICH ARE LOCATED IN OR BORDER ON THE PACIFIC OCEAN TO ACCEDE TO THE INTERNATIONAL CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTE AND OTHER MATTER AT SEA (" LONDON DUMPING CONVENTION OR LDC") FOR THE PURPOSE OF SUPPORTING THE AMENDMENT TO THE LDC OFFERED BY KIRIBATI AND NAURU SO AS TO PROHIBIT THE DUMPING OF NUCLEAR WASTE INTO THE OCEANS OF THE WORLD, AND FOR THE PURPOSE OF DISAPPROVAL OF ANY SCIENTIFIC REVIEW REPORT THAT ERRONEOUSLY CONCLUDES THAT THE DUMPING OF NUCLEAR WASTE IN THE OCEANS OF THE WORLD POSES NO SCIENTIFIC THREAT KNOWN TO SCIENTISTS AT THIS TIME."

H.R. No. 135: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE MEMBER STATES OF THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTE AND OTHER MATTER AT SEA, ("LONDON DUMPING CONVENTION OR LDC") TO SUPPORT A PROPOSED AMENDMENT TO BE VOTED UPON AT THE NINTH CONSULTATIVE MEETING OF THE LDC IN SEPTEMBER, 1985, AN AMENDMENT THAT IS OFFERED BY THE INDEPENDENT STATES OF KIRIBATI AND NAURU THAT WOULD PERMANENTLY BAN THE DUMPING OF NUCLEAR WASTE IN THE WORLD'S OCEANS, AND FURTHER RESPECTFULLY REQUESTING THE DISAPPROVAL OF ANY SCIENTIFIC REVIEW REPORT THAT ERRONEOUSLY CONCLUDES THAT THE DUMPING OF NUCLEAR WASTE IN THE OCEANS OF THE WORLD POSES NO SCIENTIFIC THREAT KNOWN TO SCIENTISTS AT THIS TIME."

H.R. No. 136: "A HOUSE RESOLUTION ENDORSING THE REQUEST OF THE CITIZENS COMMITTEE AGAINST NUCLEAR WASTE DUMPING, INC. FOR NON-GOVERNMENTAL OBSERVER STATUS AT THE SEPTEMBER, 1985 NINTH CONSULTATIVE MEETING OF LONDON DUMPING CONVENTION."

H.R. No. 137: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE MEMBER STATES OF THE SOUTH PACIFIC FORUM TO PROHIBIT THE DUMPING OF NUCLEAR WASTE IN THE PACIFIC OCEAN IN ANY PROPOSED TREATY FOR A NUCLEAR FREE ZONE."

H.R. No. 138: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNMENTS OF THE ISLANDS OF THE PACIFIC AND THE NATIONS WHICH BORDER THE PACIFIC TO MAKE KNOWN TO THE GOVERNMENT OF JAPAN THAT THE PACIFIC ISLAND NATIONS WILL OPPOSE THE DUMPING OF NUCLEAR WASTE IN THE PACIFIC OCEAN UNTIL ITS TOTAL ABANDONMENT, AND THAT THE PACIFIC ISLAND NATIONS WILL NEVER GIVE A "CONSENSUS" NOR EXPRESS A "REGIONAL UNDERSTANDING" TO THE GOVERNMENT OF JAPAN FOR ITS NUCLEAR WASTE DUMPING PLAN TO THE PACIFIC OCEAN."

H.R. No. 139: "A HOUSE RESOLUTION RESPECTFULLY AND STRONGLY REQUESTING THE GOVERNMENT OF JAPAN TO COMPLETELY ABANDON ITS NUCLEAR WASTE DUMPING PLAN IN THE PACIFIC OCEAN AND MAKING THE GOVERNMENT OF JAPAN AWARE THAT IT WILL NEVER GET "REGIONAL UNDERSTANDING" NOR A CONSENSUS" BY THE PACIFIC ISLAND NATIONS FOR A NUCLEAR WASTE DUMPING PLAN IN THE PACIFIC OCEAN BY THE GOVERNMENT OF JAPAN AND BY ANY COUNTRY."

H.R. No. 140: "A HOUSE RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT TO GIVE THE VIEWS OF THE COMMONWEALTH GOVERNMENT SYMPATHETIC CONSIDERATION IN ITS PRESENTATION TO THE LONDON DUMPING CONVENTION."

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H.R. No. 141: "A HOUSE RESOLUTION REQUESTING GREENPEACE INTERNATIONAL TO PERMIT REPRESENTATIVES FROM THE COMMONWEALTH OF THE NORTHERN MARIANAS TO ATTEND THE LONDON DUMPING CONVENTION MEETING AS PART OF THE GREENPEACE DELEGATION."

H.R. No. 142: "A HOUSE RESOLUTION TO URGE THE SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAM TO INCLUDE THE PROPOSED JAPANESE RADIOACTIVE WASTE DUMPING SITE APPROXIMATELY 600 MILES NORTH OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AS A PROHIBITED AREA UNDER THE DRAFT CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC."

H.R. No. 143: "A HOUSE RESOLUTION TO URGE SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAM TO EXPLICITLY AND TOTALLY BAN THE DUMPING OF RADIOACTIVE WASTE IN THE PACIFIC REGION BY USING THE PHRASE "PROHIBIT RADIOACTIVE WASTE" IN PLACE OF THE PHRASE "PREVENT, REDUCE AND CONTROL POLLUTION" IN THE DRAFT CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC."

Representative Gregorio C. Sablan: There has been a lot of high pressured campaigning in nuclear dumping. The informations attached I believe support the intent of the resolution that opposes the plans of any nation that would dump nuclear waste in the Northern Marianas. However Mr. Speaker, to be very honest, there has been no presentation made by anybody in the Northern Marianas that discusses issues that are contrary to the intent of the resolution. They are saying that it is wrong that they dump nuclear waste in the Northern Marianas, I want to know why. Those are vital information. Another thing Mr. Speaker, the way I see it right now, nuclear waste dumping any where in the world and that we should address those issues, eventually. I move for the previous question.

Speaker Sablan: Before I recognize the Floor Leader, Chairman P. R. Guerrero.

Representative Pedro R. Guerrero: Mr. Speaker I will like to mention that the science or the technology personnel who are founded in Micronesia of the Pacific Islands, they did not satisfy the people of Micronesia and us in terms of the safety of the nuclear waste dumping in the Pacific Ocean. Those waste are very dangerous to the human life and even to the ocean resources. Thank you Mr. Speaker.

Floor Leader Nakatsukasa: Mr. Speaker I support the resolution but I just want to raise a concern. All three resolutions address only nuclear dumping. I do not know why the nuclear dumping committee never addresses the testing of hydrogen or atomic bomb. I do not know why we are so concern about dumping and not atomic bombs. Maybe the nuclear expert can brief us as to the effect of the nuclear testing and nuclear dumping because we are only addressing ourselves on this matter and never address ourselves on the missiles. When you test atomic bombs the air becomes polluted, and even the ocean. I surely hope that those concern with nuclear dumping can also address themselves on this matter. While we were in Japan protesting against nuclear dumping, the Government of Japan just signed additional three nuclear dumping power plant for Tokyo. I move for the previous question.

Speaker Sablan: Your point is well taken Mr. Floor Leader.

Representative Benigno Sablan: Mr. Speaker the discussion made by our good Floor Leader, I will like to discuss in this way Mr. Speaker that because of the proximity of the proposed nuclear waste dumping that we are actively doing in the present resolution, it is only about six hundred miles northeast of the farthest island of Ratanga or French Government who are testing nuclear bomb or nuclear weapons is quite a distance from us and I think that is the basis for the resolution today. On the discussion made by our good Chairman Kilili on regards of the other side of the coin, I think Mr. Speaker the magic word as our good Floor Leader stated is "health" purposes. The other side of the coin is if we don't do it then it hampers, or the potential danger for nuclear radiation is prevalent because of proximity of

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the proposed dumping site. That is perhaps the most critical that we should focus our attention on because nuclear waste has many different kinds of radiation and that particular radiation are potentially dangerous to human lives, not necessarily that we have constant radiation from the sun. That will be an additional radiation as has been reported and tested in the Marshall Islands. These are true indeed dangerous waste produced by nuclear power plant or nuclear weapons, including perhaps nuclear vessels and other war heads that we have seen here in the Pacific Ocean. I think the ocean is big enough and the current and the winds are variables in the many types of climatic changes that we should be more concern of the closeness of this particular potentially harmful radiation that would eventually infiltrates to our ocean because of the current pattern as well as the poverty of our ocean area. I think that is the other side of the coin. Why are you not looking at this particular area. This has been indicated in all and perhaps most of our discussion on the resolution as well as the trip to Japan that was presented by the Commonwealth citizen.

Representative Juan T. Guerrero: Ready for the question Mr. Speaker.

Representative Gregorio C. Sablan: One point Mr. Speaker, I am in support of the resolution, however I am not able to see any copy of the London Convention. As a legislator I think I am entitle to get that information. I want to see what is in there. What is wrong. They are telling us that this is wrong and there is no information. Thank you.

Speaker Sablan: If you need additional information we have some materials at the Clerk's Office with regards to this.

Representative Benigno Sablan: I just want to clarify one more statement Mr. Speaker. As a member of this congress I do not think of this at face value. I know for a fact, I think most of us know for a fact as has been reported from the Marshall Islands that sickness from radiation has occurred, cancer problem has occurred from the Marshall Islands.

Representative Juan T. Guerrero: Ready for the question Mr. Speaker.

Speaker Sablan: Does your motion include H.R. No. 145?

Representative Gregorio C. Sablan: No, only up to 143 because it is all related.

The motion to adopt H.R. Nos. 134, 135, 136, 137, 138, 139, 140, 141, 142, and 143, carried by voice vote. H.R. Nos. 134, 135, 136, 137, 138, 139, 140, 141, 142 and 143, are hereby adopted by the House.

H.R. No. 144: "A HOUSE RESOLUTION REQUESTING THE MPLC TO DESIGNATE PUBLIC LAND FOR THE CONSTRUCTION OF A COMMUNITY HALL IN DISTRICT NO. 4 BY THE KOREAN ASSOCIATION."

Floor Leader Nakatsukasa: Mr. Speaker I move for the passage of H.R. No. 144.

Representative Juan T. Guerrero seconded the motion.

Speaker Sablan: Discussion.

Representative Gregorio C. Sablan: Ready.

Representative Benigno Sablan: Mr. Speaker question, I want to know how long are the Koreans going to lease this particular area.

Representative Gregorio C. Sablan: Mr. Speaker the building they are proposing is similar, in fact larger than the plans call for the auditorium, the one they have in Tanapag. They will be only using one-fifth of the building. The building will include restrooms and showers. The proposal Mr. Speaker will be that for two days out of the year the building will be preserve for their two celebrations every year. They ask that those two days

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they preserve the building for their use and any other time of the year it will be open to the public and they will maintain the area. The use of the land will not be more than ten years otherwise it needs our approval.

Speaker Sablan: We have here a sketch of their proposed project.

Representative Benigno Sablan: I think I have my question answered Mr. Speaker.

Representative Gregorio C. Sablan: Ready.

Representative Fitial: I think the people of District No. 4 will benefit more if they improve the existing community hall.

Representative Gregorio C. Sablan: I have been trying for that since the Third Legislature but to now nothing.

Representative Fitial: Well if the Korean Association is willing to contribute to the community I think more benefit will be realized by the community, District No. 4 if the existing building be improved.

The motion to adopt H.R. No. 144, carried by voice vote. H.R. No. 144 is hereby adopted by the House.

H.R. No. 145: "A HOUSE RESOLUTION EXPRESSING A SINCERE HEARTFELT AND PROFOUND CONDOLENCES TO THE FAMILY OF THE LATE STATESMAN, THE FORMER HONORABLE MAYOR FELIPE CAMACHO MENDIOLA OF TINIAN."

Representative Juan T. Guerrero seconded the motion.

Representative Gregorio C. Sablan: Mr. Speaker for future resolutions the word "untimely death" should not be used. We are all members of Roman Catholic and we all know that when the Creator says "come" we go. That is timely because our life is at disposal.

Representative Fitial: I think the word has another connotation.

Representative Gregorio C. Sablan: I move for the previous question.

The motion to adopt H.R. No. 145, carried by voice vote. H. R. No. 145 is hereby adopted by the House.

Speaker Sablan: Any more resolution on the calendar?

Representative Pedro R. Guerrero: Mr. Speaker I will like to ask the House to consider H.J.R. No. 36. I will like to ask our Floor Leader to make the necessary motion.

Floor Leader Nakatsukasa: I move that we suspend House Rule 9 Section 7, Rule 9 Section 8 . . .

Speaker Sablan: There is no need for the suspension of the rule because it has been reported out. It is not indicated in the Resolution Calendar but I ask the indulgence of the members to please insert on the calendar under Resolution, H.J.R. No. 36, with Standing Committee Report 4-90?

Representative Gregorio C. Sablan: Could we act on H.R. Nos. 41 and 42 first Mr. Speaker?

Speaker Sablan: Yes.

Representative Gregorio C. Sablan: Mr. Speaker I move for the passage of H.R. No. 41.

Speaker Sablan: We passed that already.

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Representative Benigno Sablan: 41 and 42.

Speaker Sablan: 141?

Representative Gregorio C. Sablan: 41 and 42.

Representative Benigno Sablan: They are in the calendar.

Speaker Sablan: Why don't we address and dispose H.J.R. No. 36.

H.J.R. No. 36: "A HOUSE JOINT RESOLUTION REQUESTING THE MARIANAS PUBLIC LAND CORPORATION TO RESERVE IN PERPETUITY ALL LANDS DESIGNATED FOR AGRICULTURAL PURPOSES IN THE CNMI PHYSICAL MASTER PLAN FOR USE EXCLUSIVELY FOR AGRICULTURAL DEVELOPMENT BY CITIZENS OF THE CNMI."

Floor Leader Nakatsukasa: I move for the adoption of H.J.R. No. 36.

Representative Fitial seconded the motion.

Speaker Sablan: Discussion.

Representative Fitial: Ready.

The motion to adopt H.J.R. No. 36, carried by voice vote. H.J.R. No. 36 is hereby adopted by the House.

H.R. No. 41: "REQUESTING THE GOVERNOR TO CONDUCT A STUDY AND ITS IMPLEMENTATION OF COLLECTING THE SURFACE WATER RUNOFF AT AS AGATON AND SADOG MAMIS IN TANAPAG AND I PAUPAU IN SAN ROQUE."

Floor Leader Nakatsukasa: I move for the adoption of H.R. No. 41.

There were several second to the motion.

Speaker Sablan: Discussion.

Vice Speaker Tudela: Ready.

The motion to adopt H.R. No. 41, carried by voice vote. H.R. No. 41 is hereby adopted by the House.

H.R. No. 42, Committee Substitute: "RELATIVE TO REQUESTING THE GOVERNOR TO CERTIFY THE NEED FOR A PUBLIC CEMETARY IN SAN ROQUE IN ORDER FOR MPLC TO DESIGNATE AND RESERVE SUFFICIENT ACREAGE OF LAND FOR USE AS PUBLIC CEMETARY FOR THE PEOPLE OF ON SAN ROQUE."

Floor Leader Nakatsukasa: Mr. Speaker I move for the adoption of H.R. No. 42, Committee Substitute.

Representative Benigno Sablan seconded the motion.

Speaker Sablan: Discussion.

Representative Gregorio C. Sablan: Mr. Speaker we have to clear here the use of the language because it will for the public cemetary and the intent of the resolution is saying for the people of San Roque. What if I die and ask to be bury in San Roque can they authorize me that?

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Representative Benigno Sablan: As long as it is public you can be bury anywhere. This is just identifying the fact that the People of San Roque is in need of a public cemenary.

Representative Gregorio C. Sablan: Now Mr. Speaker in the first "whereas" it says that the population of San Roque is increasing, that means no one is dying, everyone (Laughter) Thank you. Ready for the question.

Speaker Sablan: Ready for the question?

Representative Benigno Sablan: Ready.

The motion to adopt H.R. No. 42, Committee Substitute, carried by voice vote. H.R. No. 42, Committee Substitute is hereby adopted by the House.

BILL CALENDAR

H.B. No. 250: "A BILL FOR AN ACT TO REQUIRE THAT COMMONWEALTH TRIAL COURT DEPOSITIONS BE TAKEN BY COURT CERTIFIED STENOGRAPHERS."

Floor Leader Nakatsukasa: Mr. Speaker I move to suspend. . . .

Speaker Sablan: I think we did the suspension already.

Representative Gregorio C. Sablan: No that is only to place the bill on the calendar and to waive the committee report, this one is for First and Final Reading.

Floor Leader Nakatsukasa: I move to suspend Rule 9 Section 7, Rule 7 Section 8(a).

Speaker Sablan: Discussion on the motion.

Representative Fitial: None.

The motion to suspend Rule 9 Section 7, Rule 7 Section 8(a), pertaining to H.B. No. 250, carried by voice vote.

Representative Gregorio C. Sablan: Mr. Speaker I move for the passage of its First and Final Reading H.B. No. 250.

There were several second to the motion.

Speaker Sablan: Discussion.

Representative Fitial: Ready.

The Clerk called the roll for voting purposes on H.B. No. 250. The voting result, eleven voting yes, one voting present. H.B. No. 250 passes the House on its First and Final Reading.

Speaker Sablan: Before we proceed any further I will like to recognize the presence of the Vice Speaker. Earlier when we had our roll call he was out attending a ceremony at William S. Reyes' Elementary School.

Floor Leader Nakatsukasa: Mr. Speaker I was able to raise a question on H.B. No. 250. I think this is very vital because we have some

Representative Gregorio C. Sablan: Our vote has been taken.

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Speaker Sablan: Can we do that on Miscellaneous so that we can proceed.

S.B. No. 4-54, S.D. 2, H.D. 1: "NON-RESIDENT WORKERS AMENDMENTS ACT OF 1984."

Floor Leader Nakatsukasa: Mr. Speaker I move for the passage of S.B. No. 4-54, S.D. 2, H.D. 1.

There were several second to the motion.

Representative Gregorio C. Sablan: Can we suspend the rule first? We have not read this on First Reading.

Speaker Sablan: We did.

Representative Pedro R. Guerrero: I have a floor amendment to make Mr. Speaker. I have a written copy which all the members have already. On that copy on subsection (h) on the second line, between the words "its" and the word "individual" insert the word "ultimate."

Representative Juan T. Guerrero: What page?

Representative Pedro R. Guerrero: This is on the written floor amendment on the subsection (h) on the second line.

Representative Juan T. Guerrero: Mr. Speaker there is no subsection (h) on Section 4.

Representative Pedro R. Guerrero: This is the floor amendment.

Representative Gregorio C. Sablan: Why don't you read the floor amendment then effectuate the motion.

Speaker Sablan: Okay.

Clerk: Floor Amendment to S.B. 4-54, S.D. 2, H.D.2. Section 4 is amended to add a subsection (h) to proposed 3 CMC Section 4415 to read as follows:

"(h) If a business employs less than 15 persons and less than 75% of its ultimate individual partners or shareholders are Trust Territory Citizens, U.S. citizens, or lawfully admitted permanent residents, the business shall not employ more than one nonresident worker for every one full time Commonwealth resident worker. Such a business shall have until June 1, 1986 in which to comply with this subsection."

Speaker Sablan: Can you effectuate a motion for the floor amendment.

Representative Pedro R. Guerrero: I so move Mr. Speaker.

Vice Speaker Tudela seconded the motion.

Speaker Sablan: Discussion on the proposed floor amendment.

Representative Juan T. Guerrero: I hope that the legislature finds in its wisdom that we are not encouraging the Niko Hotel to build and then on the other hand we are tying their hands and saying that they have to have complete local ownership in order to operate. I do not know which direction the legislature is going on for the matter with the Executive Branch. I do agree that we have alien problems, however the floor amendment is in my opinion strict. We do not have the technical laborers that require in a hotel where you have engineers to supersee \$50 million investment. Mr. Speaker I do agree with the concept that we must have control but we have to be realistic in the direction we are going. You do not encourage investor to come in here and then turn around and then say we are going to waive under the Foreign Investors, I do not know what kind of direction we are going but it is so confusing that the new developers are looking at what we are doing as a restriction to induce economic development.

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Representative Benigno Sablan: Mr. Speaker I want a clarification on line 2, the inserted language, what is that word?

Representative Pedro R. Guerrero: "Ultimate."

Representative Benigno Sablan: "Its ultimate individual"?

Representative Pedro R. Guerrero: Yes.

Representative Fitial: Are there individual partners that are not ultimate?

Representative Pedro R. Guerrero: I am to clarify the statement that Honorable Juan Pan questioned. First, the proposed Niko Hotel supercede this amendment. This amendment is focusing on a smaller type of businesses where it has less than fifteen persons working for the business. During the many hearings and research of your committee Mr. Speaker, the committee found that presently on the island there are so many aliens who came into the Commonwealth under a work permit and putting together their resources will put together a business, because of that they are employing themselves and other non CNMI citizens will be employ. This will further restrict that type of operation. Again, my personnel opinion, this would reduce the number of unwanted aliens in the Commonwealth. Unwanted small business competition to our own people and better prepare our small business for citizens of the CNMI who are residents in the CNMI, prevention in the type of business that these foreigners are presently enjoying. The proposed amendment does not jeopardize or stop any type of economic development that we are receiving, such as the Niko Hotel. Thank you Mr. Speaker.

Speaker Sablan: Chairman J.T. Guerrero does that satisfy your concern. I think the proposed amendment will weed out those foreign businesses on a smaller scale that normally employs their wife, their dependent. This floor amendment will prevent that from happening by providing that for every non-resident workers they should have one resident worker employed in the business, establishment.

Floor Leader Nakatsukasa: Mr. Speaker I picked up the concern of Representative Guerrero. We have that problem now. If these foreigners have \$500 they go into corporations. They hire their wife, kids and everybody that is related to them. The proposed amendment will not entice investors, for example the Diamond Hotel, the proposed Hilton to be build in San Antonio and the Niko Hotel to be build in San Roque.

Representative Gregorio C. Sablan: I move to accept the floor amendment proposed by Representative Guerrero.

Vice Speaker Tudela seconded the motion.

Representative Fitial: Can I ask one question before you entertain the motion. On the floor amendment Mr. Speaker the last sentence "Such a business shall have until June 1," can I be enlighten as to why June 1st?

Representative Pedro R. Guerrero: To give them time to follow up or comply with the provisions of the law.

Representative Fitial: No grandfathering engage?

Representative Pedro R. Guerrero: No.

Representative Benigno Sablan: Make that very clear that no grandfathering in this bill.

Representative Juan T. Guerrero: Mr. Speaker I will like to withdraw my statement on the floor amendment.

Speaker Sablan: That concern was clarified Mr. Chairman John T. Guerrero.

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Representative Gregorio C. Sablan: Mr. Speaker the motion is in order.

Speaker Sahlan: Ready for the question.

The motion to adopt the floor amendment proposed by Representative Pedro R. Guerrero, carried by voice vote. The proposed floor amendment to S.B. No. 4-54, S.D. 2, H.D. 2 is hereby adopted.

Speaker Sablan: We are now discussing the bill as just amended.

Representative Gregorio C. Sablan: Mr. Speaker there are significant problems here. During the Third Legislature we prepared a good law and the Executive Branch was given ample opportunity to provide conference. If you will look at those testimonies that were provided, the issues addressed by the Executive Branch in that legislation, the Third Legislature passed the bill, the bill became law and yet the problem continues. One of the testimony by the Director of Commerce and Labor is the enforcement and administration of the law that provides for the real thing. I just hope that after passing this bill and it becomes law that something is done about it. This bill provides a more detail definition and a more set policy on labor law in the Northern Marianas, but if the Executive Branch is not ready, or they are not committing then there is no point for this. Mr. Speaker there are major problems and I hope this bill addresses those problems. I commend the Committee on R & D for their action. I support S.B. No. 4-54, H.D. 2.

Representative Fitial: Ready for the question.

Floor Leader Nakatsukasa: Within sixty days from the effective date of this act the Director shall issue and shall promulgate regulation. My good colleague Congressman Kilili gave me an idea that the Third Legislature came up with a good bill, unfortunately the Department that has been designated to follow up with the law failed to promulgate within sixty days. You think if we insert the word "shall" and nothing happen, they still fail to come up with the regulation. I do not know which word will be more effective, "must" or "shall." If we put the word "must" it is mandatory.

Representative Fitial: "Must/shall." (Laughter)

Floor Leader Nakatsukasa: No, "shall be" should be deleted and insert the words "must be."

Speaker Sablan: I think what we can do is to continue monitoring the recommendation of this act. From time to time maybe an appropriate oversight hearing would be proper to insure that this is followed.

Representative Benigno Sablan: I am going to make a suggestion that perhaps at a later time when this becomes law we should try and enact another one that includes penalty for government agency that does not do their job. At this point in time I think we should go ahead and vote on this.

Speaker Sablan: Before we proceed on the voting I will like to ask the Chairman whether the proposed amendment enumerated on the committee report are in the bill.

Representative Pedro R. Guerrero: Mr. Speaker they should. I consulted with our two legal counsel and also the committee staff and I was assured that all the proposed amendments are included.

Speaker Sablan: Ready for the question?

Representative Fitial: Ready.

The Clerk called the roll for voting purposes on S.B. No. 4-54, S.D. 2, H.D. 2. Representatives Francisco Cabrera, Juan T. Guerrero . . . voted yes on the bill.

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Representative Gregorio C. Sablan: Privilege Mr. Speaker. Before I cast my vote, is it conflict of interest for any one who employs non-resident worker at this point in time to vote on the bill? Before I cast my vote I want that cleared.

Speaker Sablan: Let us have a short recess.

The House recessed at 12:11 noon.

The House reconvened at 12:19 noon.

Speaker Sablan: The session shall now reconvene. Prior to recess Representative Greg Sablan raise a question of potential conflict to any of the members voting on the subject bill. The Chair have decided that it is up to the members to decide whether or not they have a conflict and may vote either way you want.

Floor Leader Nakatsukasa: Where is the conflict of interest.

Speaker Sablan: Conflict of interest rule something when you stand to gain personally.

Floor Leader Nakatsukasa: This is not conflict of interest because the law that we are going to pass is not helping those individual that are being hurt by the non-resident corporations.

Representative Gregorio C. Sablan: Mr. Speaker we are passing law that guarantees if a non-resident worker happens to be number 14 on the payroll, we can guarantee that he will not be remove. Once you remove him you do not comply with Section 4 of the bill. There is one conflict. You are guaranteeing him that position. Again the Chair can rule that it is up to each individual member to vote. If we may continue with the vote, my vote is "yes." I have absolutely no conflict in any shape perform.

Speaker Sablan: Continue with the roll call. The roll call should begin with Congressman Greg Sablan.

The Clerk continues to call the roll for voting purposes on S.B. No. 4-54, S.D. 2, H.D.2. The voting result, eleven voting yes and one voting present. S.B. No. 4-54, S.D. 2, H.D. 2 is hereby passed by the House on its Final Reading.

S.B. No. 4-76, S.D. 1, H.D. 1: "A BILL FOR AN ACT TO MANDATE BUDGET AUSTERITY BY ESTABLISHING PERSONNEL CEILINGS FOR THE LEGISLATIVE BRANCH, FREEZING THE PAY OF EMPLOYEES, PROVIDING FOR THE TRANSFER OF LEGISLATIVE EMPLOYEES TO OTHER EMPLOYMENT, AND LIMITING THE CONTINUING EXPENDITURE AUTHORITY AND FUTURE BUDGET OF THE LEGISLATURE; AND FOR OTHER PURPOSES."

Representative Gregorio C. Sablan: Mr. Speaker I move that we suspend Rule 9 Section 8 so that the committee report of S.B. No. 4-76, S.D. 1, H.D. 1 shall be considered on today's session on its First and Final Reading.

There were several second to the motion.

The motion to suspend Rule 9 Section 8 pertaining to S.B. No. 4-76, S.D. 1, H.D. 1, carried by voice vote.

Floor Leader Nakatsukasa: I move for the passage of S.B. No. 4-76, S.D. 1, H.D. 1, on its Final Reading.

Representative Juan T. Guerrero seconded the motion.

Speaker Sablan: Discussion.

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Representative Fitial: Does this bill still have sunset clause?

Representative Juan T. Guerrero: What do you mean by sunset clause.

Representative Fitial: That it is only good up to certain date.

Representative Juan T. Guerrero: There is provisions that are applicable that will expire after that date but the bulk of the bill will be in effect permanently unless repeal by the legislature. Section 5 will apply after January 13th. Section 6, Legislative Day will expire too. Other than that the bill itself contained austerity measure that the legislature is in need.

Speaker Sablan: Are you satisfy with the respond?

Representative Fitial: In other words the previous provision for this austerity measure will be only effective up to Janaury, 1986.

Representative Juan T. Guerrero: No, some of the provisions of the bill will be in effect immediately. Section 5 is the only part of that bill that will be in effect on January 13th.

Representative Fitial: The rest will remain.

Representative Juan T. Guerrero: Yes.

Representative Gregorio C. Sablan: Mr. Speaker, firstly I will like to address the issue I am aware of from the Senate that sort of put pressure on the House. I will like to state for the record that I do not take it lightly that the Federal Government shall in any way insist upon the administrative reinforce of the Commonwealth Government. The essential ingredient of the Covenant that was negotiated eventually and passed was that there will be a self-governing of the Commonwealth for the Northern Mariana Island. I am supporting the bill Mr. Speaker because it is something that we need right now and I must admit that there is pressure outside of the Commonwealth. My question now Mr. Speaker is on page 3, line 11 says "The legislative branch shall employ no more than 100 full time employees at any time." Under subsection (c)

Speaker Sablan: This is a break down between the two houses.

Representative Gregorio C. Sablan: I see, thank you. This is a good bill. I must congratulate the members on the Committee on Appropriation.

Representative Fitial: Very good.

Representative Juan T. Guerrero: We met and ironed out all the concern that were raise partially by some of the members and are now incorporated.

Representative Gregorio C. Sablan: I think this is good for the Northern Mariana Islands.

Representative Fitial: I will like to post a question to the Chairman of the Appropriation Committee. In lieu of this negotiation how much of an expenditure are you

Speaker Sablan: It is in the bill.

Representative Juan T. Guerrero: The \$2.8 is not my figure Minority Leader. The \$2.8 is the Executive Branch's figure. I did not take upon myself to change any of the figure.

Representative Gregorio C. Sablan: In fact for the information of the members, the bill addresses the concern of the Minority members. The budget as submitted by the Governor eliminated 100% of any funding for the Minority Office.

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Representative Fitial: That is an assumption that we will not be in the Minority. (Laughter)

Floor Leader Nakatsukasa: I was looking at Section 5 of the bill.

Speaker Sablan: What page Floor Leader.

Floor Leader Nakatsukasa: Page 9 Section 9. My concern is whether it is necessary for us to consider this as a writer.

Representative Juan T. Guerrero: The reason for Section 9 is that with the constraint for \$1.4 million both the houses will be receiving, this is the interest of the legislature in order to conserve the limited resources that the government should foot for the members of the legislature from other islands of our senatorial district.

Floor Leader Nakatsukasa: Okay I am satisfy with the answer. Section 10, Mr. Speaker under subsection (a) all the way down, I think the legislature should come out with a policy rather than passing a bill because once we pass this bill any member of the legislature that brings a car and parks in his house, at that moment that member is a criminal because he is violating the law.

Representative Juan T. Guerrero: The intention of the bill is to force austerity and the responsibility lies in each member of the legislator. The provision in Section 10 of the bill which is "Entertainment Expense" restricts that provision to the presiding officer for purposes set forth because of the lack of control in the other House that the committee fail since this is an austerity measure that we should control the amount for those purposes. The vehicle as my colleague mentioned, I do not think that it is in the best interest of the Commonwealth that each member of the legislature should have one vehicle to take home. Again, whenever each legislature uses a vehicle it consumes gas and again the ultimate result is you seek more than what you have and then forcing yourself going into deficit and that is the problem that we have experienced in the past.

Representative Fitial: I believe this is a very good bill.

Floor Leader Nakatsukasa: Can I continue. Suppose we have to stay within our budget and if that community funding is budgeted for \$3,000 per legislator, then I do not see if the Speaker can entertain his constituent with a case of soft drink. We are talking about austerity. As long as I can stay within that budget then I can

Representative Gregorio C. Sablan: Because the bill prohibits the Speaker from entertaining his constituents with his entertainment expenses, it has to be off-island. Off-island residents and off-island officials are not the Speaker's constituents. I think the bill is a good bill. You have to look at it as a whole not sections by sections.

Representative Juan T. Guerrero: The bill only allows for the benefit of the Commonwealth, not for the individual.

Representative Fitial: This is a very good bill.

Representative Juan T. Guerrero: I do agree that some of the provisions should not be in the bill, however we have passed a prior House Bill that is now sitting in the Senate, some of those provisions are incorporated under this so that we can insure the emphasis on fiscal austerity which is mandatory on all parts of the legislature.

Representative Benigno Sablan: Ready for the question.

The Clerk called the roll for voting purposes on S.B. No. 4-76, S.D. 1, H.D. 1. The voting result, twelve voting yes. S.B. No. 4-76, S.D. 1, H.D. 1 hereby passes the House on its Final Reading.

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H.B. No. 242: "A BILL FOR AN ACT TO AMEND SECTION 2(a) OF P.L. 4-32, TO EXEMPT THE FUND CUSTODIAN AND INVESTMENT AGENT OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND FROM THE DEFINITION OF EMPLOYEE."

Representative Juan T. Guerrero: I move for the passage of H.B. No. 242.

Representative Fitial seconded the motion.

Speaker Sablan: Discussion.

Representative Hocog: Ready.

Representative Gregorio C. Sablan: Mr. Speaker I move that we suspend the rule necessary so that H.B. No. 242 can be consider on today's session, First and Final Reading.

Representative Hocog seconded the motion.

The motion to suspend Rule 9 Section 7, Rule 7 Section 8(a) pertaining to H.B. No. 242 so that the bill can be consider on today's calendar, carried by voice vote.

Representative Gregorio C. Sablan: I move for the passage of H.B. No. 242, First and Final Reading.

Representative Juan T. Guerrero seconded the motion.

Speaker Sablan: Discussion.

Representative Gregorio C. Sablan: Ready.

The Clerk called the roll for voting purposes on H.B. No. 242. The voting result, twelve voting yes. H.B. No. 242 hereby passes the House on its First and Final Reading.

Speaker Sablan: Any more bill on the calendar?

Clerk: None Mr. Speaker.

Representative Benigno Sablan: Mr. Speaker on the 4-72 Conference Report can we object or reject that now, the Commonwealth Bank Act.

Speaker Sablan: I came upon some correspondence between the Chairman to the AG and also the Public Auditor and I do not know if they have send in their response yet. I will like the committee to go back and follow up on that. Those are the questions that have been raise.

MISCELLANEOUS BUSINESS

Representative Fitial: None.

ANNOUNCEMENTS

Representative Juan T. Guerrero: I just like to inform the members of the Appropriation Committee that the Budget Hearing will commence on Monday, the 17th as scheduled.

Floor Leader Nakatsukasa: Mr. Speaker on behalf of the people of San Antonio, you are cordially invited to attend the San Antonio Fiesta on Sunday. At the same time I am asking Congressmen Guerrero and Tudela to please lend me their tents. (Laughter)

HOUSE JOURNAL - 6TH DAY
SIXTH REGULAR SESSION

Speaker Sablan: I suggest that you see them after the session. On the same line of announcement I will also like to invite all the members and staff for the Sacred Heart of Jesus Fiesta on Chalan Kanoa, District No. 1 scheduled for this Saturday, 6 o'clock in the evening.

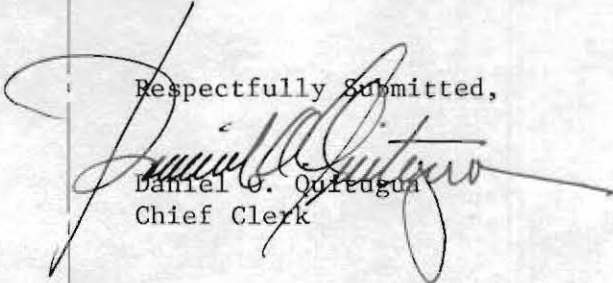
Floor Leader Nakatsukasa: I move that the House adjourns subject to the call of the Chair.

Vice Speaker Tudela seconded the motion.

The motion to adjourn the House subject to the call of the Chair, carried by voice vote.

The House adjourned at 12:39 noon.

Respectfully Submitted,



Daniel G. Quiroga
Chief Clerk

HOUSE OF REPRESENTATIVES
FOURTH NORTHER MARIANAS COMMONWEALTH LEGISLATURE
SIXTH REGULAR SESSION, 1985

SESSION DAY

CALENDAR DAY

TIME A.M.

6th Day

Wed. 12
Tuesday, June 11, 1985

~~9:30~~
2:00 p.m.

ORDER OF BUSINESS

1. Roll Call - *Cabrera, Jose; Demagen Juan; Tudela - absent*
Siveline present.
2. Adoption of Journals - *None*
3. Introduction of Bills - *240; 241; 243; 244; 245; 246; 247; 248; 249*
Recs 9:45
4. Introduction of Resolutions - *145;*
Reconvene 9:55
5. Messages from the Governor

109: Informing the House of Representatives that he has signed into law Senate Bill No. 4-14, SD1, HD2, entitled, "To create Soil and Water Conservation Program within the Department of Natural Resources." into P.L. No. 4-44

110: Informing the House of Representatives that he has signed into law House Bill No. 204, DS1, entitled, "To amend the Commonwealth Nuclear and Chemical Free Zone Act, to prohibit nuclear weapons and nuclear powered ships, submarines, reactors, power plants, and other radioactive materials from the Commonwealth, to exempt the United States Government from compliance with the Act with respect to all matters related to United States foreign affairs and defense responsibilities affecting the Northern Mariana Islands." into P.L. 4-45

111: Advising the House of Representatives that he has signed into law Senate Bill No. 4-74, HD1, entitled, "To amend the Definition of Capital Improvement Project, 1 CMS Section 7102(g)." into P.L. 4-46

112: Re-appointing Mrs. Margarita O. Taitano to serve as a member of the Chamorro/Carolinian Language Policy Commission.

113: Re-appointing Mrs. Brigida Dlg. Ichihara to the Chamorro/Carolinian Language Policy Commission.

Oppo. Comm.
114: Advising the House of Representatives that he has signed into law House Bill No. 122, SD1, entitled, "To establish a Commonwealth Utilities Corporation." into P.L. No. 4-47

115: Advising the House of Representatives that he has signed into law Senate Bill No. 4-73, SD1, HD2, entitled, "To amend P.L. 3-104 to provide for licensing of corporations of issued 1984 retail banking licenses but not doing banking business prior to February 6, 1984." into P.L. No. 4-48

R+A Comm.
116: Advising the House of Representatives that he has signed into law House Bill No. 136, HD1, SD2, entitled, "To establish the Commonwealth Development Authority, providing for its purposes, powers and duties, providing for its capitalization and operation; imposing an obligation of regular reporting by the Authority." into P.O. No. 4-49

117: Appointing Mr. Jesus D. Sablan to serve as a member of the Chamorro/Carolinian Language Policy Commission, replacing Bishop Tomas Camacho.

118, 119, 120: Appointing Ms. Christina Fertti, Ms. Elizabeth S. Torres and Ms. Melinda King to serve as members of the Board of Nursing Examiners.

6. Departmental Communications

- 23: From Thomas B. Aldan, Director, Department of Finance, enclosing the CNMI ANNUAL FINANCIAL REPORT.

7. Senate Communications

- 158: From Senator Olympio Borja, relative to President Rasa's letter to the Director of Finance, Thomas B. Aldan.
- 159: From Honorable Ponciano Rasa, President of the Senate, thanking Speaker Sablan for his letter dated May 2, 1985, relative to H.B. 22.

8. Petitions, Memorials and Communications

- 130: From Acting Marianas/Guam Liaison Officer, submitting a copy of CNMI citizens attending the Apprenticeship Program with the Navy in Guam.
- 131: From the United States of America, Department of Transportation, Office of the Secretary, Washington, D.C., in the matter of Pan American World Airways, Inc., termination of service at Guam under Section 401 of the Federal Aviation Act of 1958, as amended.
- 132: From the United States of America, Department of Transportation, Office of the Secretary, Washington, D.C., Motion of the Guam for an order extending Pan American's backup service obligation.
- 133: From Executive Director, Chamorro/Carolinian Language Policy Commission, Mr. Jose M. Taitano, providing the House a copy of joint Guam/CNMI Language Commission Conference Report held in Guam.
- 134: From the Elected Con Con Delegates from Tinian, voted Mr. James M. Mendiola to be the delegation Chairman.
- 135: From the undersigned Con Con Delegates Elect, selected Mr. Jesus P. Mafnas to be the Chairman from the Third Senatorial District.
- 136: From Managing Director, MVB, submitting a Management Report for the month of April, 1985.
- 137: From the undersigned Con Con Delegates from Rota, selected Delegate Aniceto H. Mundo to be the Delegation Chairman.
- 138: A memorandum of understanding signed by Representatives of the Government of Japan and the United States of America, relative to the implementation of the bilateral Civil Air Transportation Agreement signed at Tokyo on August 11, 1954, as amended.
- 139: From Representative Gregorio C. Sablan, informing the Speaker of the status of the discussions and negotiations regarding the Covenant Financial Assistance to the Commonwealth of the Northern Mariana Islands.
- 140: From Chief Legal Counsel, Joel Bergsma, submitting their trip report to Washington, D.C.
- 141: From Mayor Jose S. Rios, submitting his Annual Report of the Office of the Mayor.
- 142: From Rep. Benigno R. Fitial, Chairman, CNMI Commission on Federal Laws, relative to Fiscal Year 1985 supplemental appropriation for the Commission on Federal Laws.
- 143: From Deputy Chief Legal Counsel, submitting the reviewed Immigration and Procurement and Supply Regulation and other topics.
- 144: From Chief Legal Counsel, Joel Bergsma, submitting the summary of the meeting on Commission on Federal Laws.

- 145: From Pete Reyes, Chairman, Board of Elections, relative to his letter dated May 1, 1985, funding request for the office of the Board of Elections.
- 146: From James M. Mendiola, informing Governor Tenorio, President Rasa and Speaker Sablan that the Pre-Convention Committee elected delegates James Mendiola and Anicieto Mundo as the Chairman and Vice Chairman.
- 147: From Willem D. Sakovich, submitting his trip report to Suva, Fiji.
- 148: From James Mendiola, Chairman, Pre-Convention Committee, requesting House of Representatives staffs to assist in the Second Constitutional Convention.

9. Reports of Standing Committees

- ~~4-89~~
4-88
↑ Reporting on Senate Bill No. 4-54, SD2, entitled, "A Bill for an Act to amend the Nonresident Workers Act; Chapter 4 of Division 4 of Title 3 of the Commonwealth Code, and the entry and deportation Act of 1982; P.L. 3-105." (Your Comm. on R&D recommends passage)
- ~~4-90~~
4-89
↑ Reporting on House Resolution No. 41, entitled, "Req. the Gov. to conduct a study and its implementation of collecting the surface water runoff at as Agaton and Sadog Mamis in Tanapag and I Paupau in San Roque for additional into the Saipan Water System." (Your Committee on J.G.O. recommends adoption)
- ~~4-91~~
4-90
↑ Reporting on House Resolution No. 42, Committee Substitute, entitled, "Relative to requesting the Governor to certify the need for a public cemetery in San Roque in order for the MPLC to designate and reserve sufficient acreage of land for use as public cemetery for the people of San Roque." (Your Committee on J.G.O. recommends adoption)
- ~~4-92~~
4-91
↑ Reporting on Senate Bill No. 4-76, S.D.1, H.D.1, entitled, "A Bill for an Act to mandate budget austerity by establishing personnel ceilings for the Legislative Branch, freezing the pay of Legislative employees, providing for the transfer of legislative employees to other employment, and limiting the continuing expenditure authority and future budget of the Legislature; and for other purposes."

10. Reports or Special and Conference Committees

Con. Comm. Rep. No. 4-9, Ref. to S.B. No. 4-30 HD1, CD2

4-9: "A Bill for an Act to license shooting galleries for a three year trial period, to exempt patrons of commercial target ranges, and security services from certain sections of Chapter 2 of Title 6 of the Commonwealth Code, and for other purposes."
referred back to comm.
Recess 10:37 A.M.

Recess 11:49

11. Unfinished Business

12. Resolution Calendar

Final Reading

H.R. No. 41

adopted

"Requesting the Governor to conduct a study and its implementation of collecting the surface water runoff at as Agaton and Sadog Mamis in Tanapag and I Paupau in San Roque."
 (S.C.R. No. 4-90)
~~4-89~~ ↑

H.R. No. 42, Comm. Subs.

adopted

"Relative to requesting the Governor to certify the need for a public cemetery in San Roque in order for MPLC to designate and reserve sufficient acreage of land for use as public cemetery for the people on San Roque."
 (S.C.R. No. 4-91)
~~4-90~~ ↑

V. Speaker Duda's walk in 11:50
Recess 11:10 *Recess 11:17*

13. Bill Calendar

Second and Final Reading

S.B. No. 4-54, SD2, HD1

"Nonresident Workers Amendments Act of 1984."
(S.C.R. No. 4-89) *4-88 adopted 6/12/85*

S.B. No. 4-76, SD1, HD1

"A Bill for an Act to mandate budget austerity by establishing personnel ceilings for the Legislative Branch, freezing the pay of employees, providing for the transfer of legislative employees to other employment, and limiting the continuing expenditure authority and future budget of the Legislature; and for other purposes."
(S.C.R. No. 4-92)

see.

4-92 adopted
4-93 (H.B. # 242) - adopted

14. Miscellaneous Business *4-91*

15. Announcements

cess 12:11 noon

Recess 12:19 noon

adjournment 12:39

6th Day, Sixth Regular Session, 1985

Wednesday, June 12, 1985

Convened at 9:30 a.m..

Speaker: The 6th Day of our Sixth Regular Session shall now come to order. Let us all rise for a moment of silent prayer. Roll Call.

The Clerk called the roll. Twelve members are present. Representatives Jose Cabrera, Juan Demapan, and Juan Tudela were absent.

Speaker: Representative Tudela will be here very shortly. He is attending the Cultural Day at the William S. Reyes Elementary School this morning.

Adoption of Journals

None

INTRODUCTION OF BILLS

H.B. No. 240: "A BILL FOR AN ACT TO EASE VOTER REGISTRATION REQUIREMENTS, TO IMPROVE VOTING PROCEDURES, TO CREATE A REBUTTABLE PRESUMPTION THAT RESIDENTS WHO ARE ABSENT FROM THE COMMONWEALTH FOR MORE THAN EIGHTEEN MONTHS ARE NOT DOMICILED HERE AND ARE NOT ENTITLED TO ABSENTEE VOTING RIGHTS, TO AMEND 1 CMC SECTIONS 6205(f), 6206 AND 6207, AND FOR OTHER PURPOSES."

INTRODUCED BY: Pedro T. Nakatsukasa

Assigned to : J.G.O. Committee

Speaker: I will like to ask the Clerk to immediately refer the bill just introduced by the Floor Leader to the Committee on J.G.O..

H.B. No. 241: "A BILL FOR AN ACT TO AMEND P.L. 4-49, COMMONWEALTH DEVELOPMENT AUTHORITY."

Introduced by: Pedro R. Guerrero

Assigned to : R & D Committee

Rept. P.R. Guerrero: This proposed bill Mr. Speaker was prefiled on June 6, 1985. Thank you.

H.B. No. 243: "A BILL FOR AN ACT TO CLARIFY THE LAW IN THE COMMONWEALTH WITH RESPECT TO LIQUIDATED DAMAGES FOR DELAY IN THE AWARD OF CONSTRUCTION CONTRACTS."

Introduced by: Benigno M. Sablan (By Request)

Assigned to : J.G.O. Comm.

Floor Leader: Privilege: Mr. Speaker for the record can we correct our Order of Business to reflect that this Wednesday, June 12, 1985.

Speaker: I mentioned that before we started the session.

H.B. No. 244: "A BILL FOR AN ACT TO DEVELOP COMPREHENSIVE CHILD CARE STANDARDS AND TO PROVIDE MECHANISMS FOR LICENSING AND OVERSIGHT OF CHILD CARE FACILITIES IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND FOR OTHER PURPOSES."

Introduced by: Victor Hocog and three others

Assigned to : H.E.W.

H.B. No. 249: "A BILL FOR AN ACT TO ENACT A COMMONWEALTH PROCUREMENT ACT OF 1985, TO ADD A NEW DIVISION 10 - PUBLIC PROCUREMENT TO TITLE 1 OF THE COMMONWEALTH CODE, AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero and eight others

Assigned to : J.G.O. Comm.

H.B. No. 247: "A BILL FOR AN ACT TO PROHIBIT ALL SAND MINING IN THE COMMONWEALTH."

Introduced by: Juan T. Guerrero and seven others

Assigned to : R & D Comm.

H.B. No. 246: "A BILL FOR AN ACT TO REQUIRE ANY PERSON WHO USES PUBLIC PROPERTY OR OWNS PRIVATE PROPERTY OR FACILITIES TO RETRIEVE REFUSE WHICH HE DISCARDS ON THE PROPERTY, TO PROVIDE FOR A PENALTY FOR VIOLATION OF THIS ACT, TO AMEND 6 CMC, CHAPTER 3, AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero and seven others

Assigned to : R & D Comm.

H.B. No. 245: "A BILL FOR AN ACT TO INCREASE THE FEE FOR LICENSING OF POKER MACHINES, TO AMEND 4 GMC, SECTION 1504(a)(2), AND TO REPEAL AND REENACT 4 CMC, SECTION 1803, AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero and eight others

Assigned to : Appro. Comm.

H.B. No. 239: "A BILL FOR AN ACT TO INCREASE EXCESS TAXES OF ALCOHOL AND TOBACCO, AND TO AMEND 4 CMC, SECTION 1401(c) AND SECTION 1403(a), AND TO REPEAL AND REENACT 4 CMC, SECTION 1803, AND FOR OTHER PURPOSES."

Introduced by: Gregorio C. Sablan

Assigned to :

H.B. No. 250: "A BILL FOR AN ACT TO REQUIRE THAT COMMONWEALTH TRIAL COURT DEPOSITIONS BE TAKEN BY COURT CERTIFIED STENOGRAPHERS."

Introduced by: Gregorio C. Sablan and Juan T. Guerrero

Rept. Kilili: Mr. Speaker because this bill does not really require very much study, therefore I ask that the House take action today. It is a very down to earth bill.

Local ~~Law/No/4+1/~~ House Bill No. 4-1: "A LOCAL REVENUE BILL FOR AN ACT FOR THE THIRD SENATORIAL DISTRICT OF SAIPAN TO LEVY A LOCAL TAX OF 5 CENTS PER GALLON ON LIQUID FUEL, OTHER THAN AVIATION FUESL, USED ON SAIPAN, TO BE RESERVED IN A TRUST ACCOUNT FOR THE REPAIR AND IMPROVEMENT OF SAIPAN SECONDARY ROADS."

Introduced by: Gregorio C. Sablan

Assigned to : Appro. Comm.

Floor Leader: I will just like to find out the procedure in regards to local bill.

Speaker: This is a revenue bill. I think it will be refer to the Appro. Comm.

Kilili: Yes I know that, but however, it has been referred to J.G.O. Until the change is made effective

Speaker: Do you have any objection?

Benigno Sablan: No.

Juan Pan: I have an objection. The bill should be channel to the proper committee.

Speaker: That is correct. That is my concern. This is a local revenue bill so it should be refer to the Appro. Comm. who has the jurisdiction of all matters of revenue. I will ask the Clerk to make the necessary correction to refer the bill to its appropriate committee.

Kilili: Mr. Speaker I ask that the Comm. on Appro. to keep in mind that the trust fund is for the improvement of Saipan Secondary Roads particularly and the words "highways" or any mention of the word "highway" be remove.

Floor Leader: For the matter of expediency Mr. Speaker, if the Congressman of Chalan Kanoa is really in a hurry, then just get the concensus of the Saipan Senatorial District.

Kilili: I have no objection to that however we are facing taxes in here and your committee might be able to look into the bill and provide more reflective comment on the intent. I will ask though that the committee look into this right away so that action will be ready for our next session.

Benigno Sablan: I will like to be corrected here if this bill has been introduced.

H.B. 242
"A BILL FOR AN TO AMEND SECTION 2(a) of P.L. 4-32, TO EXEMPT *the fund custodian* AND INVESTMENT AGENT OF THE NORTHERN MARIANA ISLANDS RETIRMENT FUNDS FROM THE *Definition* OF EMPLOYEE."

Benigno Sablan: If this bill has not yet been introduced, this will officially introduce it. It is also prepared with Standing Committee Report 4-93.

Speaker: For the information of the members, the bill that was just introduced by the Chairman is also placed on the calendar for today's House action.

Kilili: Mr. Speaker unless there is any objection, I ask also that the bill I introduced requiring certification of court certified stenographers, if there is no objection I ask that it be placed on today's calendar also.

Speaker: If there is no objection from the members, the Clerk is so ordered to place that bill on today's calendar.

INTRODUCTION OF RESOLUTIONS

Floor Leader: Mr. Speaker I have some questions to ask on the resolutions to be introduced. For expediency, I ask that we go on two minutes recess so that I can post my questions and then we can continue on without taking too much time on each resolution to be introduced.

Speaker: Your two minutes request for a recess is granted.

The House recessed at 9:45 a.m..

The House reconvened at 9:55 a.m..

Speaker: The session shall now reconvene. Prior to recess the Floor Leader requested to go on recess in order to discuss some of his concerns with the Chairman of H.E.W.. We are still on the Introduction of Resolutions.

H.R. No. 145: "A HOUSE RESOLUTION EXPRESSING A SINCERE HEARTFELT AND PROFOUND CONDOLENCES TO THE FAMILY OF THE LATE STATESMAN, THE FORMER HONORABLE MAYOR FELIPE CAMACHO MENDIOLA OF TINIAN."

Introduced by: Victor Hocog and twelve others

Hocog: If there is no objection Mr. Speaker I will like to request that we place this resolution on our calendar today.

Speaker: The resolution just introduced will be placed on today's calendar.

Hocog: I have several pre-filed resolutions here Mr. Speaker, by request, and if I may refrain from reading each resolution and request the Clerk to insert each House Resolution as numbered in our Journal.

Speaker: If there is no objection from the members, all the members have copies of the resolutions numbered from 134 to 143.

H.R. No. 134: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNMENTS OF THE NATIONS WHICH ARE LOCATED IN OR BORDER ON THE PACIFIC OCEAN TO ACCEDE TO THE INTERNATIONAL CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTE AND OTHER MATTER AT SEA ("LONDON DUMPING CONVENTION OR LDC") FOR THE PURPOSE OF SUPPORTING THE AMENDMENT TO THE LDC OFFERED BY KIRIBATI AND NAURU SO AS TO PROHIBIT THE DUMPING OF NUCLEAR WASTE INTO THE OCEANS OF THE WORLD, AND FOR THE PURPOSE OF DISAPPROVAL OF ANY SCIENTIFIC REVIEW REPORT THAT ERRONEOUSLY CONCLUDES THAT THE DUMPING OF NUCLEAR WASTE IN THE OCEANS OF THE WORLD POSES NO SCIENTIFIC THREAT KNOWN TO SCIENTISTS AT THIS TIME."

Introduced by: Victor Hocog

H.R. No. 135: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE MEMBER STATES OF THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTE AND OTHER MATTER AT SEA, ("LONDON DUMPING CONVENTION OR LDC") TO SUPPORT A PROPOSED AMENDMENT TO BE VOTED UPON AT THE NINTH CONSULTATIVE MEETING OF THE LDC IN SEPTEMBER 1985, AN AMENDMENT THAT IS OFFERED BY THE INDEPENDENT STATES OF KIRIBATI AND NAURU THAT WOULD PERMANENTLY BAN THE DUMPING OF NUCLEAR WASTE IN THE WORLD'S OCEANS, AND FURTHER RESPECTFULLY REQUESTING THE DISAPPROVAL OF ANY SCIENTIFIC REVIEW REPORT THAT ERRONEOUSLY CONCLUDES THAT THE DUMPING OF NUCLEAR WASTE IN THE OCEANS OF THE WORLD POSES NO SCIENTIFIC THREAT KNOWN TO SCIENTISTS AT THIS TIME."

Introduced by: Victor Hocog

H.R. No. 136: "A HOUSE RESOLUTION ENDORSING THE REQUEST OF THE CITIZENS COMMITTEE AGAINST NUCLEAR WASTE DUMPING, INC. FOR NON-GOVERNMENTAL OBSERVER STATUS AT THE SEPTEMBER, 1985 NINTH CONSULTATIVE MEETING OF LONDON DUMPING CONVENTION."

Introduced by: Victor Hocog

H.R. No. 137: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE MEMBER STATES OF THE SOUTH PACIFIC FORUM TO PROHIBIT THE DUMPING OF NUCLEAR WASTE IN THE PACIFIC OCEAN IN ANY PROPOSED TREATY FOR A NUCLEAR FREE ZONE."

Introduced by: Victor Hocog

H.R. No. 138: "A HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNMENTS OF THE ISLANDS OF THE PACIFIC AND THE NATIONS WHICH BORDER THE PACIFIC TO MAKE KNOWN TO THE GOVERNMENT OF JAPAN THAT THE PACIFIC ISLAND NATIONS WILL OPPOSE THE DUMPING OF NUCLEAR WASTE IN THE PACIFIC OCEAN UNTIL ITS TOTAL ABANDONMENT, AND THAT THE PACIFIC ISLAND NATIONS WILL NEVER GIVE A "CONSENSUS" NOR EXPRESS A "REGIONAL UNDERSTANDING" TO THE GOVERNMENT OF JAPAN FOR ITS NUCLEAR WASTE DUMPING PLAN TO THE PACIFIC OCEAN."

Introduced by: Victor Hocog

H.R. No. 139: "A HOUSE RESOLUTION RESPECTFULLY AND STRONGLY REQUESTING THE GOVERNMENT OF JAPAN TO COMPLETELY ABANDON ITS NUCLEAR WASTE DUMPING PLAN IN THE PACIFIC OCEAN AND MAKING THE GOVERNMENT OF JAPAN AWARE THAT IT WILL NEVER GET "REGIONAL UNDERSTANDING" NOR A CONSENSUS" BY THE PACIFIC ISLAND NATIONS FOR A NUCLEAR WASTE DUMPING PLAN IN THE PACIFIC OCEAN BY THE GOVERNMENT OF JAPAN AND BY ANY COUNTRY."

Introduced by: Victor Hocog

H.R. No. 140: "A HOUSE RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT TO GIVE THE VIEWS OF THE COMMONWEALTH GOVERNMENT SYMPATHETIC CONSIDERATION IN ITS PRESENTATION TO THE LONDON DUMPING CONVENTION."

Introduced by: Victor Hocog

H.R. No. 141: "A HOUSE RESOLUTION REQUESTING GREENPEACE INTERNATIONAL TO PERMIT REPRESENTATIVES FROM THE COMMONWEALTH OF THE NORTHERN MARIANAS TO ATTEND THE LONDON DUMPING CONVENTION MEETING AS PART OF THE GREENPEACE DELEGATION."

Introduced by: Victor Hocog

H.R. No. 142: "A HOUSE RESOLUTION TO URGE THE SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAM TO INCLUDE THE PROPOSED JAPANESE RADIOACTIVE WASTE DUMPING SITE APPROXIMATELY 600 MILES NORTH OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AS A PROHIBITED AREA UNDER THE DRAFT CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC."

Introduced by: Victor Hocog

H.R. No. 143: "A HOUSE RESOLUTION TO URGE SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAM TO EXPLICITLY AND TOTALLY BAN THE DUMPING OF RADIOACTIVE WASTES IN THE PACIFIC REGION BY USING THE PHRASE "PROHIBIT RADIOACTIVE WASTE" IN PLACE OF THE PHRASE "PREVENT, REDUCE AND CONTROL POLLUTION" IN THE DRAFT CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC."

Introduced by: Victor Hocog

Rept. Hocog: I ask Mr. Speaker that we consider these resolutions in our Resolution Calendar.

Rept. Benigno Sablan: My question Mr. Speaker, are we going to have all eleven resolutions calendar today?

Speaker Sablan: Yes.

H.R. No. 144: "A HOUSE RESOLUTION REQUESTING THE MPLC TO DESIGNATE PUBLIC LAND FOR THE CONSTRUCTION OF A COMMUNITY HALL IN DISTRICT NO. 4 BY THE KOREAN ASSOCIATION."

Introduced by: Gregorio C. Sablan and Vicente M. Sablan

Rept. Gregorio C. Sablan: I ask the members indulgence to consider this resolution on today's calendar.

Speaker Sablan: If there is no objection from the members, the subject resolution has been prefiled and it is numbered 144, will also be place on today's calendar. Any other resolution to be introduced?

MESSAGES FROM THE GOVERNOR:

109:

110:

111:

112:

113:

114:

115:

116:

117:

118, 119, 120:

Speaker Sablan: Is there any member who wishes to comment on any of the Governor's Communication. I will like to formally refer Communication No. 114 to the Appro. Comm., Communication No. 116 to the R & D Comm..

Rept. P.R. Guerrero: Mr. Speaker the concern raise will be succeeded

Speaker Sablan: On the bill ~~just referred~~ that you introduced?

Rept. P. R. Guerrero: Yes.

Rept. Kilili: I will like to request on the communication that is just referred to the R & D Committee, this will be of real interest to the Commonwealth Negotiators and I ask that the negotiators be advised on the findings for the best interest of the Northern Marianas.

Speaker Sablan: Can you take note of that Mr. Chairman?

Rept. P. R. Guerrero: Mr. Speaker all members of the negotiating team, including its Chairman, Washington Rept., will have copies of the committee report.

Speaker Sablan: Can you formally request them to participate on any committee meetings or ask for their comments in the proposed amendments.

Rept. P.R. Guerrero: It shall be done.

Speaker Sablan: Any other comments? Let us now move on to Departmental Communication.

DEPARTMENTAL COMMUNICATIONS

23:

Speaker Sablan: I will also like to refer this to the Appro. Comm. for their review and comments.

Juan Pan: Do you want comments from the committee or do you want the comments now. I have my own personal comments. As a member of this legislature, I have no interest in attacking the Director for his submission, however, the cover letter of his submission is not only erroneous, but he is siding the wrong provision. It should be 1 CMC Division 2, Section 2555, furthermore, Mr. Speaker the financial statement that was submitted by the Director of Finance are rather misleading and erroneous. The balance sheet on the general fund there is not even a mention of any accounts payable. We should be concern that the accounts payable of the CNMI Government is rather high and is not being reported. Any prior years deficit is not even listed. The voucher payable is negative and this indicates overpayment in accounting procedures or control. It lacks that provision. On Exhibit 2 Mr. Speaker, the Obligated Allotment is showing that we have \$3,608,696.40, and this also reflect that this is a negative adjustment. It is a question for what. On Exhibit 3 it is unclear what is unclaimed checks. Terrible. On Exhibit 4 it shows that the Operation Cash for the CNMI, we have an overdrawn of \$893,000. This shows again the lack of accounting control from the part of the Dept. of Finance. On

Exhibit 5 the Unallowance for doubt Account, we should receive a breakdown of this particular account, and which account were written of. The allowance is 34% of the total receivables and this indicates a relatively high percentage that the legislature should be concern. On Exhibit 7, Schedules due to and from accounts, if these are dues why are the figures so high. Why haven't we collected more. On Exhibit 8 Mr. Speaker, Accrued Payroll indicates that this is very high and this is actually an obligation of the government. On Exhibit 9, why do we have returned checks from Bank of Guam. What does this stand for? On the Alien Security Bond Deposit this does not even reflect if we are generating any interest. On Exhibit 10 and this again fellow colleagues what we should look into is the ~~Unobligated~~ Unliquidated obligation of the CIP which is over obligated. What kind of financial control we have in our government, from the indication of this report, there is none. Let us go on to Exhibit 31, if the Senate are out of money I will like to share with the members of this House why is the College allowed to overobligate by \$138,000.00. This report shows that the College owes the General Fund. Again Mr. Speaker, with the lack of the promulgation of the accounting manuals and procedures, the Dept of Finance lacks the control in administering its function. I have written a draft letter to the Director of Finance to immediately with the consultation of the Public Auditor to ~~implement those~~ come up with procedures and accounting management in order to control the abuse and the mismanagement of the system here in the CNMI. These are my concerns right now.

Speaker Sablan: The other concern I have Mr. Chairman is that I feel that this financial statement should be qualified and the only way to qualify this is to have the Public Auditor certify the statement.

Kilili: For your information I have spoke to the Public Auditor recently and he is in the process of preparing a financial statement for the Northern Marianas Government. As I understand the U.S. Public Law 97-357 the cash reported are of the United States Government Branch to the American Territories and the Commonwealth of Puerto Rico and the Northern Marianas. I tried to get a copy of the Public Law, however I am not able to do it. If you look at these Mr. Speaker, with the exception of few items and at this particular time the Saipan Revolving Fund, I think that is also required, that was in effect a grant from the United States Government. I think all the other items can be specifically trace back to the specific appropriation by the U.S. Congress. I know there are other things here ~~like~~ ~~the~~ that has specific wordings that can be trace back to the U.S. Congress. If you look at Exhibit 15, Mr. Speaker that shows the general picture of the House being reported here.

Fitial: EDLF?

Kilili: Yes, EDLF is also a direct appropriation by 702C of the budget of the U.S. Public Law 94-92. I will agree with Chairman Guerrero that the Governor is required to report annually to the legislature on financial statement. I cannot see how, unless the U.S. Public Law 97-357 require the Director of Finance to report to the legislature. I do not know why he is personally doing this and I know some of these numbers are very unapprehensive at the very least because we have just gone through government information that they have made major adjustments on some of the accounts that he is reporting here. However, for the record, the Public Auditor has told me that he is preparing a financial statement for fiscal year '84. It is going to be very lengthy. ~~In management~~ The management letter is going to be very lengthy and it will be very critical of the financial system here in the Northern Marianas. The Director of Finance should not have reported some of these items in the first place.

Juan Pan: Just for clarification, U.S. Public Law 97-357 requires the Governor to submit the financial report of the CNMI Government. In conjunction with the Public Auditor, the Public Auditor has found that there are figures in here that are inserted without any justifications and that some of the figures does not jive with the Covenant Negotiators stuff that was submitted to the U.S. Congress. This is an embarrassment Mr. Speaker. This report is considered a waste.

Floor Leader: Mr. Speaker on Exhibit 24 I am curious to find out under the Senatorial Tax . . .

Juan Pan: On that same Senatorial Tax if my colleague will allow me, Mr. Speaker the slaughter house on the resources identification the House realized or identified the possible funding from the slaughter fee of \$12,000. EDLF foots the bill for the slaughter house, the bulk of it and to this date we have a structure without substance. It is also an embarrassment that we continue to fund this kind of project and yet we do not see any reorganization of the usage and the ability of the government to collect possible fees on the usage of that slaughter house.

Kilili: Ready to move on.

SENATE COMMUNICATIONS

158:

159;

Speaker Sablan: Any comments? If none let us move on.

PETITIONS, MEMORIALS AND COMMUNICATIONS

130:

131:

132:

133:

134:

135:

136:

137:

138:

139:

140:

141:

142:

143:

144:

145:

146:

147:

148:

Floor Leader: MR. Speaker what is the status of Communication No. 135.

Speaker: I have referred this to the Appro. Comm. already.

Kilili: Mr. Speaker also for the record I wish to advise the members that in the election of the Con Con I volunteered my service free of charge to assist in the election of Con Con because they have a financial restraint in the Northern Marianas and they turn me down. They turned down my free service and now they are turning around saying that they have over expended. This is ridiculous. I was not a candidate for the Con Con Election and not a candidate for the November's election. I was volunteering free of charge. They turned down volunteers and now they are saying that they have over expended?

Fitial: I also received communications from the Pre-Con Con Committee requesting that I release some of the Minority Staff Force for the Con Con. Hearing the statement from Rept. Kilili I believe the Con Con is being selective in their selections because they are requesting for support.

Kilili: No, I was talking about the election.

Fitial: May I ask how much money does the Con Con have?

Speaker: We appropriated \$100,000.

Fitial: \$100,000 is not enough?

Speaker: That is what they are saying but they have not submitted the operational funding requirement based on the \$100,000 appropriation.

Juan Pan: Mr. Speaker the Pre-Convention Delegates with Senator Manglona and myself sat down and we talked about their possible financial problems. From my gathering on that conversation, the meeting that took place, the \$100,000 pretty much takes care of all the essential needs for the Convention's Operation. What they are asking is an additional \$100,000 to fund for lawyers. My suggestion, I told the Pre-Convention Committees to sit down with the Speaker of the House and the Senate President and the Governor and try to identify if there are available attorneys to be utilize for that purpose. The on-going rate that was or were solicited, most of the lawyers fees are at \$90.00 per hour. The

suggestion is for them to sit down with the leadership and also with the Governor to identify possible lawyers, but in my findings from the papers that they provided they have enough funding for the operation. I do not see why also the Pre-Convention has selected to rent the House of Taga when the Convention Center up there is firstly constructed for Convention Center, not for Cultural and Arts purposes. I believe the Convention has priority over any other function at this point in time, therefore, it should be utilize. What they do not like about the Convention Center is that it is open and it is not sub-divided. I heard some comments that the first Convention took place under one room where the committees were divided in that one room into separate committee function. I do not see why we cannot do that.

Kilili: In another matter, the bill provides for the convention to be held in thirty days, I find hard to believe, and I also have heard that the convention has urge the need for three lawyers. If you take approximately \$90 to \$100,000 for legal fees and divide that into thirty days, how much work is the convention going to get into in thirty days. It has no legislative function. Say a lawyer works eight hours ~~straight~~ a day, thirty days straight, that is \$300.00 an hour. Jesus H. Christ there is no money in the Northern Marianas fund. I do not know what they are going to do if they do not get the money Mr. Speaker, are they going to cancel the convention? What is going to happen. It is going to be like the upper house where they draw salary every two weeks but they cannot hold sessions because they do not have any money. Why do they draw salaries?

Fitial: The two are related.

Kilili: I do not know what the Convention is doing. I was hoping that the Convention Delegates will get together starting this last Monday and start looking at each others proposal or go into workshops and iron out their differences now so that there will be less chaos ~~when they start their convention//They have not done that/~~ and division of their personalities. They have not done that. They are going to walk in there swear in and I have also heard that some of the delegates are discussing of putting in the court rules into the convention.

Speaker: Rept. Demapan has to be excuse for his medical appointment. Yes, you may be excuse.

Floor Leader: Mr. Speaker I will like to find out from the Chairman of the Appropriation how much has been consumed to date by the Constitutional Convention.

Juan Pan: The law that allows the Constitutional Convention only authorizes the President of the Convention to be the disbursing officer and ~~there is no~~ at this point in time they cannot spend the \$100,000.

Floor Leader: The reason I ask is because they have been meeting at various places. I do not know if that is free of charge or they go dutch treat. At any rate Mr. Speaker if we can reprogram \$50,000 to send somebody to Guam for the little league, or send somebody to Tahiti to participate in the Arts Festival, then the \$50,000 for the Con Con is as important as that funding use to send the little league. Personally I will support the request for the additional \$50,000 if there is money, or request the Governor to reprogram. I do not think we should hold the convention on account of lack of funding. I know that the \$50,000 can be reprogram out of the Public Works or the Agriculture Department to make sure that the convention

Kilili: Then maybe we can borrow CIP money.

Floor Leader: Yes.

Speaker: I think the important thing here is for the delegates to stick to the amount appropriated as agreed with the Chairman of the Appro. Committee. There is a public place available at Capitol Hill, the Convention Center that can be utilize rather than renting a private building.

Juan Pan: While there is no official submission for request Mr. Speaker

Speaker: There is no official request at this time that I have receive. However I have been informally informed that there is a shortage of funding. I asked the Pre-Convention Chairman to submit a formal request to the legislature so that we can look at the situation.

Kilili: On another items, Miscellaneous Communication No. 147, my good friend Mr. Sakovich, in his report if the members will look at it, Mr. Sakovich is very highly recommending that the Northern Marianas become a member of the Olympics. We cannot even take care of our own amateur. Every time our little leaguers are going off island we have to contribute. We have no money. If this is the only way that somebody reporting has to satisfy their off-island trips, please go and when you come back do not bring any ideas please.

Floor Leader: ~~I am very much in support of Mr. Sakovich//Look at that basketball court/~~ Mr. Speaker I will like to advise those that are in support of Mr. Sakovich. Look at that basketball court, I never see any basketball court where the dock part is higher than the bleacher. That is the product of Mr. Sakovich. Secondly, knowing that Guam is more

sophisticated for the olympics, they come on record and they refuse to present participants to join in the olympics. I tend to agree with Kilili. I also do not know if Mr. Sakovich is going to be here for the next five years and are we going to continue every time there is a report from Sakovich to praise him, what about Mariano Taitano. What about Joaquin Igisomar or Jose Sanchez? I am not prejudice but Mr. Speaker, knowing that this people will only be here for two years and they will be gone just like the blowing of the wind, they will never come back and we are still attacking ~~people~~ our own people that they are not qualified, they do not know anything about sports, how in the world can these people learn if we do not send them to this places. Who benefit. It is about time that we say our piece too Mr. Speaker. I cannot continue to tolerate this kind of bad mouth. Chamorro for Chamorro.

Fitial: What about Carolinians?

P.R. Guerrero: Privilege Mr. Speaker. Before the members of the House speak of another person, that individual speaking for another person must do some work and think that Mr. Sakovich is a credit to the CNMI. Very much so Mr. Speaker. Thank you.

Kilili: I am not doubting. I am just commenting on his report.

P.R. Guerrero: I am not speaking in terms of report Mr. Speaker I am just making reference to the remarks.

Kilili: Mr. Speaker the report is under discussion not Mr. Sakovich. Like I said he is a good friend of mine.

P.R. Guerrero: Well to be direct Mr. Speaker I was referring to the statement made by Congressman Nakatsukasa. Thank you.

Kilili: Can we move on?

Speaker: Before we do so let me recognize Rept. Fitial.

Fitial: I was going to ask Mr. Speaker if I can be permitted not to re-introduce because I already introduced the resolution congratulating the delegates for the Con Con. I was just going to ask if we can entertain that resolution today.

Juan Pan: No objection.

Kilili: Objection. I want to congratulate them when they finish their work.

Fitial: I am congratulating them on their election.

Kilili: I already shook their hands. Can we wait until they do something. They have not done anything, except get my votes. That is all they did. No objection Mr. Speaker.

Speaker: Is the resolution ready?

Fitial: Yes.

REPORTS OF STANDING COMMITTEES

4-88

4-89:

4-90:

4-91:

Speaker: Any comments on any of the Standing Committee Reports?

Fitial: None.

Speaker: If none, I will like to ask the Floor Leader or Rept. Greg Sablan to effectuate a motion to waive the requirements of Committee Report to H.B. No. 252.

~~Kilili///Só/uhóvó/Mt///SpéáKét/~~

Floor Leader: So move Mr. Speaker.

Kilili seconded the motion.

~~The/uhótíón/tó/súspénda/Kále/7/Séctíón/8/~~

Kilili: Mr. Speaker does that include ~~W/R/Wó~~.all the other measures that has been placed on today's calendar?

Floor Leader: For the record Mr. Speaker, H.R. Nos. 134 up to 143.

Speaker: Including 128, the congratulatory resolution.

Floor Leader: Mr. Speaker motion to suspend Rule 9 Section 7, Rule 7 Section 8(a), Rule 9 Section 8 in order that we can place these on today's calendar.

Kilili: That ~~is/already~~ motion is already in the floor.

H.R. 134 The motion to suspend Rule 9 Section 7, Rule 7 Section 8(a), and Rule 9 Section 8, 134, 135, 136, 137, 138, 139, 140, 141, 142, motion carried by voice vote.

4-143
REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

4-9:

Benigno Sablan: Mr. Speaker I will like to report the Conference Committee Report 4-9. This is a bill for an act to license shooting galleries for a three year trial period, this report has substantial changes. On page two of the Conference Committee Report No. 1, made the prohibition a certain size and type of firearms found in CMC Section 222E applicable to galleries and ranges for only .22 caliber rifles and .14 gauge shotgun. This has been discussed quite extensively in the past sessions and we have agreed to remove the earlier languages that pertains to .22 caliber guns only and have now added and change that to .22 caliber rifles and shotguns for shooting galleries. That is the statement brought up by the Senate and whereas the Conference Committee Personnel mainly myself, Pedro Nakatsukasa and Pedro Guerrero confirmed to that and hope that the members of this Body will agree with the committee to pass this on today's session.

Speaker: Can you effectuate a motion so that we can open for discussion.

Benigno Sablan: Thank you Mr. Speaker, I move that Conference Committee Report 4-9 be adopted.

Rept. F. Cabrera seconded the motion.

Kilili: I have a few question Mr. Speaker.

Speaker: Can we first have a short recess?

The House recessed at 10:37 a.m..

The House reconvened at 11:49 a.m..

Speaker: The session shall now reconvene. Prior to recess we are still discussing Conference Committee Report 4-9 with regards to Senate Bill No. 4-30. At that time I recognized Rept. Greg Sablan.

Kilili: Thank you Mr. Speaker. Before yesterday's session I spoke with our good Chairman on J.G.O. who also heads the Conference Committee. He said that some of the reservations has been addressed, I have looked into the matter more closely and I have two more questions to ask before I finish with the bill. Mr. Speaker the problem of gun, the possession of gun in the American Justice System has been basically a lot of questions; (a) on the construction of the laws that authorizes, the right to bear weapons and the right to borrow weapons. The construction of law is not clear. A policy argument that has in the past been discussed is the authorizing of the .22 caliber guns and .14 gauge shotgun. Why don't we have the bill that says just that instead of all these sections here, Section 4 exempts, and then Section 5 (e) provides for the supervision of handguns. I do not know if there is 410 handguns. This is ambiguity one section prohibits and one section allows for the supervision. The committee report specifically says on page 2, "Your conferees ~~will~~ also do not recognize an urgent need to expand firearms use by private security guards," and I quote "expecially in view of strong objections from the Attorney General," end of quote. The Attorney General Mr. Speaker specifically objected any expansion of the law of the weapon control act. They objected to the intent of S.B. No. 4-30. That is in their testimony. I feel that the committee report deceit public ~~comment~~ official comments. Question Mr. Speaker, it says here on the second paragraph, No. 2 it says "Require a security guard to be posted at all times when weapons are used by a licensee." What is the use of having the security guard who is untrained, who is not allowed to posses a weapon, controlling both in possession of one weapon. What is the guy going to do. Who is he guarding. Mr. Speaker the Weapons Control Act under the Commonwealth Law provides what is possession, who is in possession of the weapon. If I walk into this place, if I walk pass that door and enter into that door, I'm ~~going~~ I going to be a suspect because of the weapon, to be in possession of a weapon. The premises has weapons, question of law. If you walk into the scene of a crime and a weapon is lying next to you, you are the only person there, are you in possession of a weapon? ~~Can't you~~ In court if you are going to argue, yes you are in possession of a weapon. You are the only person there. If it is in your car and you get a parking ticket, a weapon is found in your car and you have no idea how it got there, are you in possession of that weapon? Yes. Mr. Speaker I have a question, it says here on Section 5(e) "Rules to provide for the supervision of handguns

used in shooting galleries which shall include the requirement that except during the business hours of a shooting gallery and a reasonable time for transportation," a reasonable time for transportation. Who will transport the weapon from the premises to the public safety, to the storage place. The security guard? The security guard according to the Conference Committee Report is not qualified. He is untrained and shall be unlicense. The possession of weapon will rest in the security guard who is unlicense while that weapon is illegal at that point in time. Come on we have got to address this accordingly and let us make it very simple. Are we authorizing handguns? If we are then say it straight out in a straight language. There is this argument Mr. Speaker that it is a good promotion for the tourist. Facts of life, the only reason tourist comes to the Northern Marianas is for the sun, the beach. That is all that we got. That is what we sell in Tokyo. Mr. Speaker I will support the bill if those questions are address and safeguards are provided. I cannot at this point in time, and I ask my dear colleague to ~~try to understand~~ kindly understand. Evidence of weapons in court cases has been very, almost, always been focus on the construction of laws. If we can address this in crystal clear language what we are passing, what we are considering, but there are so many unclear things right now Mr. Speaker that this bill will eventually have court cases. I ask the indulgence of my dear colleague to either take it back, I suggest that he takes it back to conference and make those unclear matters clear. Right now it is not a matter of policy that we are discussing, it is the construction of the law. Mr. Speaker, as a legislator I refused, it is my obligation to define policy as clear as possible.

Benigno Sablan: Several positions were indicated, in particular, or at least my good colleague, Chairman Kilili has indicated line 21, page 2, that it is indeed a deceiving portion. That has been inadvertently not corrected. However if you look at line 24, handguns is deleted. We just didn't see that quite clearly, however we should strken line 24 up to the word gallery handguns, and we have inserted the word weapons. With regards to security guards that are not armed, we have security guards throughout the island that are not armed, taking care of banks, hotels and other related industries. I do not know if they are fully trained, I do not know if our DPS are fully trained and yet they are carrying handguns. These are perhaps questions that will pertain primarily to an individual, primarily this particular Body. It is true that this has been a belated bill and I know that construction of law is very important in regards to Judiciary Branch, but I think that is the function of the Judiciary Branch. If this bill is considered by the Judiciary Branch to be not appropriate, they could tell us so. At this point in time we feel that it is our function to create laws and that it should be enforce by the enforcement organization, the government, as well as the Judiciary Branch. Basically Mr. Speaker at this point in time I feel that we should go ahead and vote on this particular bill. I feel that the members are very well versed. This bill has been worked thoroughly. I am still in support of the bill, we have taken your recommendation for removing the language .22 caliber guns and inserting .22 caliber rifles and .14 gauge shotgun. That has been your recommendation when we voted on this and we had a tie vote and that I am in a position to report at this point in time and the committee has agreed on the conference report that this is the position of this Conference Committee.

Speaker: The only concern that I have right now is the way to propose an amendment to line 21, page 2, to strike out the word "handguns" and in lieu thereof to insert the word "weapons." This is the jurisdiction of the Conference Committee and at such is incumbent that the Conference Committee should address that and report it back to the House. That is according to our House Rule. Any changes at this time has to be agreed upon by both conferees.

Benigno Sablan: I do understand Mr. Speaker the procedures, however, we have already striken "handguns" from here and I said it is inadvertently not striken. I think we should take that as just a matter of technical errors. With that basis we should keep it here and if you want a floor amendment to strike out "handguns" we will do that right now.

Floor Leader: As a member of the Conferees Committee I think we should consider this because it is very obvious on line 24 that they have striken out "handguns." Inadvertently they fail to strike out line 21 after the word "of handguns". As the Chairman has stated, we do not have any intention to include this wording.

Benigno Sablan: I have Mr. Speaker both attorneys looked at the bill, I do not know how serious the bill was looked at but this has been referred back and forth. Just yesterday we have spotted another technical errors, the exemption of handguns. Also, still on Section 4(e), no I am sorry. Mr. Bellas do you remember what

Bellas: Line 20, page 1.

Benigno Sablan: Right. On page 1, line 19 to line 20 we have striken out after "2222," we have striken out "except subsections (e)" and continuing with "2227 and 2230 of this Chapter.", has been retain. Again for the matter of clarification on line 21, page 2, where "handguns" is indicated, that has been a technical error and we have shown on line 24, page 2 that "handguns" have been deleted and inserted the word "weapons." I hope the members of this Body realizes that and that we should go ahead and vote on the bill.

Speaker: With all the concern raise by Cong. Kilili in regards to the time the weapons are being transfered to the DPS

Benigno Sablan: This allows the licensee, there is no mention here that the security guards are the sole employee to remove firearms from the shooting gallery to DPS. The licensee are allowed to do this.

Floor Leader: I will like to post your attention to Section 5, the "Regulation of Shooting Galleries." In the question of law Mr. Speaker this addresses that "The Attorney General shall promulgate regulations for the licensing and safe operation for a maximum of two shooting galleries. Those regulations shall provide for but not be limited to: subsections (a), (b), (c), (d), and (e)." I think Section 5 takes care of that. The Attorney General will promulgate such regulations in order to confine with the provisions of the law. They are the people who knows about the law. They know about guns. Their office should promulgate the policy. We cannot make the policy here.

Juan Pan: I just have two questions Mr. Speaker. Is it the intent of the bill to authorize the limited number of weapons? That is the first question. Are we going to have an open sky where we can have ten thousand .22 rifles and .410 shotguns and also what is the intent of the bill when it says on Section 5(c), "A requirement that shooting galleries be located in uninhabited or sparsely populated areas," is it going to be open sky? Outside where probable danger might exist, or is the intent ~~depending with the Attorney General~~ left with the Attorney General to decide if it will require that it should be in a control, enclosed building. I do not think those issues are addressed in this bill. I will like the Chairman to answer.

Benigno Sablan: Question No. 1 if I may refer first to the "uninhabited or sparsely populated areas," is simply saying that this particular shooting gallery will not be allow to be open in Chalan Kanoa where there is a lot of residential area.

Juan Pan: Mr. Speaker the way Saipan is located now with the population movement, there's practically two location here, government land or private land that does not join to any public lease, except for the back portion. We have people going to those location for whatever purposes. I do not believe that this should be in an open area.

Benigno Sablan: The second question, how many guns should be allow in a particular shooting gallery. Mr. Speaker I seriously think that it will go over ten thousand as what my good colleague stated. The building perhaps should take care of that, the number of guns per shooting gallery. In regards to shooting in the open air, we have at this point in time Mr. Speaker the Weapon Control Act that allows .22 and .410 gauge that needs license fee for individuals here in the CNMI who qualifies ~~for the gun license~~ to obtain gun license. This license does not indicate whether you should shoot in the open air, it is common knowlegde that when you have a gun you go in the boonies and shoot in the open space. I do not see the reason, ~~behind~~ especially if you are uninhabited and sparsely populated areas.

P.R. Guerrero: Mr. Speaker I move for a short recess.

Vice Speaker seconded the motion.

Speaker: Let us have a short recess.

The House recessed at 11:10 a.m..

The House reconvened at 11:17 a.m..

Speaker: The session shall now reconvene. Prior to recess we are still discussing the Conference Committee Report 4-9. At this time I will like to recognize the Chairman for the Conferees.

Benigno Sablan: Thank you Mr. Speaker. For the last time I hope I move that we refer this back to the Conference Committee to work it out with our counterparts with the Senate and hopefully we can get it out be next weeks session.

There were several second to the motion.

The motion to refer back Conference Committee Report 4-9 to the Conferees Committee, carried by voice vote.

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

H.R. No. 128:

Floor Leader: Mr. Speaker I move for the adoption of H.R. No. 128.

Vice Speaker seconded the motion.

Speaker: Discussion.

Kilili: Mr. Speaker I have some discussions. Can we congratulate also the losers for trying. Does the author have any objection?

Fitial: No objection.

Kilili: No objection so can the Clerk be authorize to mention also one "whereas" paragraph and the names of the losers.

Fitial: I think the losers will object to that. (Laughter)

Speaker: Why don't we stick to the intent and purpose of the bill and that is to congratulate those that are fortunate.

Kilili: Mr. Speaker the following people received the trust and confident of the Commonwealth. They had votes that received the trust and confidence of the voters, the people of the Commonwealth. I voted for somebody who lost.

The motion to adopt H.R. No. 128, carried by voice vote. H.R. No. 128 is hereby adopted by the House.

Kilili: Mr. Speaker I move that the House pass H.R. No. 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, and 144. These resolutions are all relative to nuclear dumping.

There were several seconds to the motion.

Kilili: There has been a lot of high pressured campaigning in nuclear dumping. The informations attached I believe support the intent of the resolution that oppose the plans of any nation that would dump nuclear waste in the Northern Marianas. However, Mr. Speaker to be very honest, there has been no presentation made by anybody in the Northern Marianas that discusses issues that are ~~contrary to the intent of the resolution~~ contrary to the intent of the resolution. They are saying that it is wrong that they dump nuclear waste in the Northern Marianas, I want to know why. Those are vital information. Another thing Mr. Speaker, the way I see it right now nuclear waste dumping any where in the world and that we should address those issues, eventually. I move for the previous question.

Speaker: Before I recognize the Floor Leader, Chairman P.R. Guerrero.

P.R. Guerrero: Mr. Speaker I will like to mention that the science or the technology personnel who are funded in Micronesia of the Pacific Islands, they did not satisfy the people of Micronesia and us in term of the safety of the nuclear waste dumping in the Pacific Ocean. ~~At the point they say that they can take over~~ Those waste are very dangerous to the human life and even to the ocean resources. Thank you Mr. Speaker.

Floor Leader: Mr. Speaker I support the resolution but I just want to raise a concern. All three resolutions address only nuclear dumping. I do not know why the nuclear dumping committee never addresses the testing of hydrogen or atomic bomb. I do not know why we are so concern about dumping and not atomic bombs. Maybe the nuclear expert can brief us as to the effect of the nuclear testing and nuclear dumping because we are only address ourselves on this matter and never address ourselves on the missiles. When you test atomic bombs the air becomes polluted, and even the ocean. I surely hope that those concern with nuclear dumping can also address themselves on this matter. While we were in Japan protesting against nuclear dumping, the Government of Japan just signed additional three nuclear dumping power plant for Tokyo. I move for the previous question.

Speaker: Your point is well taken Mr. Floor Leader.

Benigno Sablan: Mr. Speaker the discussion made by our good Floor Leader, I will like to discuss in this way Mr. Speaker that because of the proximity of the proposed nuclear waste dumping that we are actively doing in the present resolution, it is only about six hundred miles northeast of the farthest Island of Ratanga or French Government that are testing nuclear bomb or nuclear weapons is quite a distance from us and I think that is the basis for the resolution today. On the discussion made by our good Chairman Kilili on regards of the other side of the coin, I think Mr. Speaker the magic word as our good Floor Leader stated is "health" purposes. The other side of the coin is if we don't do it then it hampers, or the potential danger for nuclear radiation is prevalent because of proximity of the proposed dumping site. That is perhaps the most critical that we should focus our attention on because nuclear waste has many different kinds of radiation and that particular radiation are potentially dangerous to human lives, not necessarily that we have constant radiation from the sun. That will be an additional radioation as has been reported and tested in the Marshall Islands. These are true indeed dangerous waste produced by nuclear power plant or nuclear weapons, including perhaps nuclear vessels and other war heads that we have seen here in the Pacific Ocean. I think the ocean is big enough ~~that it~~ and the

current and the winds are variables in the many types of climatic changes that we should be more concern of the closeness of this particular potentially harmful radiation that would eventually infiltrates to our ocean because of the current pattern as well as the poverty of our ocean area. I think that other side of the coin why you are not looking at this particular area. This has been indicated in all and perhaps most of our discussion on the resolution as well as the trip to Japan that was presented by the Commonwealth citizen.

Juan Pan: Ready for the question Mr. Speaker.

Kilili: One point Mr. Speaker, I am in support of the resolution, however I am not able to see any copy of the London Convention. ~~As a legislator~~ As a legislator I think I am entitle to get that information. I want to see what is in there. What is wrong. They are telling us that this is wrong and there is no information. Thank you.

Speaker: If you need addition information we have some materials at the Clerk's Office with regard to this.

Benigno Sablan: I just want to clarify one more statement Mr. Speaker. As a member of this Congress I do not think of this at face value. I know for a fact, I think most of us know for a fact as has been reported from the Marshall Islands that sickness from radiation has occurred, cancer problems has occurred from the Marshall Islands.

Juan Pan: Ready for the question Mr. Speaker.

Speaker: Does your motion include H.R. No. 145?

Kilili: No, only up to 143 because it is all related.

The motion to adopt H.R. Nos. 134, 135, 136, 137, 138, 139, 140, 141, 142, and 143, carried by voice vote. H. R. Nos. 134, 135, 136, 137, 138, 139, 140, 141, 142, and 143 are hereby adopted by the House.

H.R. No. 144:

Floor Leader: Mr. Speaker I move for the passage of H.R. No. 144.

Juan Pan seconded the motion.

Speaker: Discussion.

Kilili: Ready.

Benigno Sablan: Mr. Speaker question, I want to know how long are the Koreans going to lease this particular area.

Kilili: Mr. Speaker ~~what they~~ the building they are proposing is similar, in fact larger than the plans call for the auditorium, the one they have in Tanapag. They will be only using one-fifth of the building. The building will ~~restrooms, showers and~~ include restrooms and showers. The proposal Mr. Speaker will be that for two days out of the year the building will be preserve for their two celebrations every year. They ask that those two days they preserve the building for their use and any other time of the year it will be open to the public and they will maintain the area. The use of the land will not be more than ten years otherwise it needs our approval.

Speaker: We have here a sketch of their proposed project.

Benigno Sablan: I think I have my question answered Mr. Speaker.

Kilili: Ready.

Fitial: I think the people of Dist. No. 4 will benefit more if they improve the existing community hall.

Kilili: I have been trying for that since the Third Legislature but to now nothing.

Fitial: Well if the Korean Assoc. is willing to contribute to the community I think more benefit will be realize by the community, Dist. No. 4 if the existing building be improve.

The motion to adopt H.R. No. 144, carried by voice vote. H.R. No. 144 is hereby adopted by the House.

H.R. No. 145:

Floor Leader: I move for the adoption of H.R. No. 145.

Juan Pan seconded the motion.

Kilili: ~~Ready/10t/1Vd/dVd5t10A/~~ Mr. Speaker for future resolutions the word "untimely death" should not be use. We are all members of Roman Catholic and we all know that when the Creator says come, we go. That is timely because our life is at disposal.

Fitial: I think the word has another connotation.

Kilili: I move for the previous question.

The motion to adopt H.R. No. 145, carried by voice vote. H.R. No. 145 is hereby adopted by the House.

Speaker: Any more resolution on the calendar?

P.R. Guerrero: Mr. Speaker I will like to ask the House to consider H.J.R. NO. 36. I will like to ask our Floor Leader to make the necessary motion.

Floor Leader: I move that we suspend House Rule 9 Section 7, Rule 9 Section 8

Speaker: There is no need for the suspension of the rule because it has been reported out. It is not indicated in the Resolution Calendar but I ask the indulgence of the members to please insert on the calendar under Resolution, H.J.R. No. 36, with Standing Committee Report 4-90.

Kilili: Could we act on H.R. Nos. 41 and 42 first Mr. Sepaker?

Speaker: Yes.

Kilili: Mr. Speaker I move for the passage of H.R. No. 41.

Speaker: We passed that already.

Benigno Sablan: 41 and 42.

Speaker: 141?

Kilili: 41 and 42.

Benigno Sablan: They are in the calendar.

Speaker: Why don't we address and dispose H.J.R. No. 36.

Floor Leader: I move for the adoption of H.J.R. No. 36.

Fitial seconded the motion.

Speaker: Discussion.

Fitial: Ready.

The motion to adopt H.J.R. No. 36, carried by voice vote. H.J.R. No. 36 is hereby adopted by the House.

H.R. No. 41:

Floor Leader: I move for the adoption of H.R. No. 41.

There were several second to the motion.

Speaker: Discussion.

Vice Speaker: Ready.

The motion to adopt H.R. No. 41, carried by voice vote. H.R. No. 41 is hereby adopted by the House.

H.R. No. 42, Comm. Subs.:

Floor Leader: Mr. Speaker I move for the adoption on H.R. No. 42, Comm. Subs.

Benigno Sablan seconded the motion.

Speaker: Discussion.

Kilili: Mr. Speaker we have to clear here the use of the language because it will for the public cemetary and the intent of the resolution is saying for the people of San Roque. What if I die and ask to bury in San Roque can they authorize me that?

Benigno Sablan: As long as it is public you can be bury anywhere. This is just identifying the fact that the People of San Roque is in need of a public cemetery.

Kilili: Now Mr. Speaker in the first "whereas" it says that the population of San Roque is increasing, that means no one is dying everyone (Laughter) Thank you. Ready for the question.

Speaker: Ready for the question?

Benigno Sablan: Ready.

The motion to adopt H.R. No. 42, Comm. Subs., carried by voice vote. H.R. No. 42, Comm. Subs., is hereby adopted by the House.

BILL CALENDAR

H.B. No. 250:

Floor Leader: Mr. Speaker I move to suspend

Speaker: I think we did the suspension already.

Kilili: No that is only to place the bill on the calendar and to waive the committee report, this one is for First and Final Reading.

Floor Leader: I move to suspend Rule 9 Section 7, Rule 7 Section 8(a).[?]

Speaker: Discussion on the motion.

Fitial: None.

The Motion to suspend Rule 9 Section 7, Rule 7 Section 8(a) pertaining to H.B. No. 250, carried by voice vote.

Kilili: Mr. Speaker I move for the passage of its First and Final Reading H.B. No. 250.

There were several second to the motion.

Speaker: Discussion.

Fitial: Ready.

The Clerk called the roll for voting purposes on H.B. No. 250. The voting result, eleven voting yes, one voting present. H.B. No. 250 passes the House on its First and Final Reading.

Speaker: Before we proceed any further I will like to recognize the presence of the Vice Speaker. Earlier when we had our roll call he was out attending a ceremony at William S. Reyes' Elementary School.

Floor Leader: Mr. Speaker I was able to raise a question on H.B. No. 250. I think this is very vital because we have some

Kilili: Our vote has been taken.

Speaker: Can we do that on Miscellaneous so that we can proceed?

S.B. No. 4-54, SD2, H.D.1:

Floor Leader: Mr. Speaker I move for the passage of S.B. No. 4-54, S.D.2, H.D.1.

There were several second to the motion.

Kilili: Can we suspend the rule first? We have not read this on First Reading.

Speaker: We did.

P.R. Guerrero: I have a floor amendment to make Mr. Speaker. I have a written copy which all the members have already. On that copy on subsection (h) on the second line, between the words "its" and the word "individual" insert the word "ultimate".

Juan Pan: What page?

P.R. Guerrero: This is on the written floor amendment on the subsection (h) on the second line.

Juan Pan: Mr. Speaker there is no subsection (h) on Section 4.

Floor Amendment to S.B. 4-54, S.D.2, H.D.2

Section 4 is amended to add a subsection (h) to proposed 3 CMC Section 4415 to read as follows:

"(h) If a business employs less than 15 persons and less than 75% of its ^{ultimate} individual partners or shareholders are Trust Territory Citizens, U.S. citizens, or lawfully admitted permanent residents, the business shall not employ more than one nonresident worker for every one fulltime Commonwealth resident worker. Such a business shall have until June 1, 1986 in which to comply with this subsection."


Rep. Pedro R. Guerrero

*Adopted
6/12/85*

P.R. Guerrero: This is the floor amendment.

Kilili: Why don't you read the floor amendment then effectuate the motion.

Speaker: Okay.

Clerk: *insert amendment*

Speaker: Can you effectuate a motion for the floor amendment.

P.R. Guerrero: I so move Mr. Speaker.

Vice Speaker seconded the motion.

Speaker: Discussion on the proposed floor amendment.

Juan Pan: I hope that the legislature finds in its wisdom that we are not encouraging the Niko Hotel to build and then on the other hand we are tying their hands and saying that they have to have complete local ownership in order to operate. I do not know which direction the legislature is going on for the matter with the Executive Branch. I do agree that we have alien problems, however the floor amendment in my opinion is strict. We do not have the technical laborers that require in a hotel where you have engineers to supersee \$50 million investment. Mr. Speaker I do agree with the concept that we must have control but we have to be realistic in the direction we are going. You do not encourage investor to come in here and then turn around and then say we are going to waive under the Foreign Investors, I do not know what kind of direction we are going but it is so confusing that the new developers are looking at what we are doing as a restriction to induce economic development.

Benigno Sablan: Mr. Speaker I want a clarification of line 2, the inserted language, what is that word?

P.R. Guerrero: "Ultimate".

Benigno Sablan: "its ultimate individual" ?

P.R. Guerrero: Yes.

Fitial: Are there individual partners that are not ultimate?

P.R. Guerrero: I am to clarify the statement that Hon. Juan Pan questioned. First, the proposed Niko Hotel supercede this amendment. This amendment is focusing on a smaller type of businesses where it has less than fifteen persons working for the business. During the many hearings and research of your committee Mr. Speaker, the committee have found that presently on the island there are so many aliens who came into the Commonwealth under a ~~part~~ *part* work permit and putting together their resources will put together a business, because of that they are employing themselves and non-CNMI citizens will be employ. This will further restrict that type of operation. Again, my personal opinion, this would reduce the number of unwanted aliens in the Commonwealth. Unwanted small business competition to our own people and better prepare our small business for citizens of the CNMI who are residents in the CNMI, prevention in the type of business that these foreigners are presently enjoying. The proposed amendment does not jeopardize or stop any typ of economic development that we are receiving, such as the Niko Hotel. Thank you Mr. Speaker.

Speaker: Chairman J.T. Guerrero does that satisfy your concern. I think the proposed amendment will weed out those foreign businesses on a smaller scale that normally employs their wife, their dependence. This floor amendment will prevent that from happening by providing that for every non-resident workers they should have one resident worker employed in the business, establishment.

Floor Leader: Mr. Speaker I picked up the concern of Rept. Guerrero. We have that problem now. If these foreigners have \$500 they go into corporations. They hire their wife, kids and everybody that is related to them. The proposed amendment will not entice investors, for example the Diamond Hotel, the proposed Hilton to be build in San Antonio and the Niko Hotel to be build in San Roque.

Kilili: I move to accept the floor amendment proposed by Rept. Guerrero.

Fitial: *He is being recorded by V. Speaker*
Can I ask one question before you entertain the motion.

On the floor amendment Mr. Speaker the last sentence "Such a business shall have until June 1," can I be enlighten as to why June 1st?

P.R. Guerrero: To give them time to follow up or comply with the provisions of the law.

Fitial: No grandfathering engage?

P.R. Guerrero: No.

Benigno Sablan: Make that very clear that no grandfathering in this bill.

Juan Pan: Mr. Sepaker I will like to withdraw my statement on the floor amendment. Now I understand the concern. I will like the statement that I made to be withdrawn entirely. Thank you.

Speaker: That concern was clarified Mr. Chairman John T. Guerrero.

Kilili: Mr. Speaker the motion is in order.

Speaker: Ready for the question.

The motion to adopt the floor amendment proposed by Rept. P.R. Guerrero, carried by voice vote. The proposed floor amendment to S.B. No. 4-54, S.D. 2, H.D. 2 is hereby adopted.

Speaker: We are now discussing the bill as just amended.

Kilili: Mr. Speaker there are significant problems here. During the third legislature ~~the Executive Branch was given ample opportunity~~ we prepared a good law and the Executive Branch was given ample opportunity to provide conference. If you will look at those testimonies that were provided, the issues addressed by the Executive Branch in that legislation, the Third Legislature passed the bill, the bill became law and yet the problem continues. One of the testimony by the Director of Commerce and Labor is the enforcement and administration of the law that provides for the real thing. I just hope that after passing this bill and it becomes law that something is done about it. This bill provides a more detail definition and a more set policy on labor law in the Northern Marianas, but if the Executive Branch is not ready, or they are not committing then there is no point for this. Mr. Speaker there are major problems and I hope this bill addresses those problems. I commend the Committee on R & D for their action. I support S.B. No. 4-54, H.D.2.

Fitial: Ready for the question.

Floor Leader: ~~Thirty/days/~~ Within sixty days from the effective date of this act the Director shall issue and shall promulgate regulation. My good colleague Congressman Kilili gave me an idea that the Third Legislature came up with a good bill, unfortunately the Department that has been designated to follow up with the law failed to promulgate within sixty days. You think if we insert the word "must" the law will be followed through. The Third Legislature used the word "shall" and nothing happen, they still fail to come up with the regulation. I do not know which word will be more effective, "must or shall." If we put the word "must" it is mandatory.

Fitial: "Must/shall." (Laughter)

Floor Leader: No, "shall be" should be deleted and insert the words "must be."

Speaker: I think what we can do is to continuing monitoring the recommendation of this act. From time to time maybe an appropriate oversight hearing would be proper to insure that this is followed.

Benigno Sablan: I am going to make a suggestion that perhaps at a later time when this becomes law we should try and enact another one that includes penalty for government agency that does not do their job. At this point in time I think we should go ahead and vote on this.

Speaker: Before we proceed on the voting I will like to ask the Chairman whether the proposed amendment enumerated on the committee report are in the bill.

P.R. Guerrero: Mr. Speaker they should. I consulted with our two legal consult and also the committee staff and I was assured that all the proposed amendments are included.

Speaker: Ready for the question?

Fitial: Ready.

The Clerk called the roll for voting purposes on S.B. No. 4-54, S.D. 2, H.D. 2.

The voting result, *Representatives F. Cabrera, Juan Pan* *voted yeayn*
the bill.

Kilili: Privilege Mr. Speaker. Before I cast my vote, is it conflict of interest for any one who employs any non-resident worker at this point in time to vote on the bill?

Before I cast my vote I want that cleared.

Speaker: Let us have a short recess.

The House recessed at 12:11 noon

The House reconvened at 12:19 noon.

Speaker: The session shall now reconvene. Prior to recess Rept. Greg Sablan raise a question of potential conflict to any of the members voting on the subject bill. The Chair have decided that it is up to the members to decide whether or not they have a conflict and may vote either way you want.

Floor Leader: Where is the conflict of interest.

Speaker: Conflict of interest rule something when you stand to gain personally.

Floor Leader: This is not conflict of interest because the law that we are going to pass is not helping those individual that are being hurt by the non-resident corporations.

Kilili: Mr. Speaker we are passing law that guarantees if a non-resident worker happens to be number 14 on the payroll, we can guarantee that he will not be remove. Once you remove him you do not comply with Section 4 of the bill. There is one conflict. You are guaranteeing him that position. Again the Chair can rule that it is up to each individual member to vote. If we may continue with the vote, my vote is "yes." I have absolutely no conflict in any shape perform.

Speaker: Continue with the roll call. The roll call should begin with Congressman Greg Sablan.

The Clerk continue to call the roll on S.B. No. 4-54, S.D.2, H.D.2. The voting result, eleven voting yes and one voting present. S.B. No. 4-54, S.D. 2, H.D. 2 is hereby passed by the House on its Final Reading.

S.B. No. 4-76, S.D. 1, H.D. 1:

Kilili: Mr. Speaker I move that we suspend Rule 9 Section 8 so that the Committee Report of S.B. No. 4-76, S.D. 1, H.D. 1 shall be considered on today's session on its First and Final Reading.

There were several second to the motion.

The motion to suspend Rule 9 Section 8 pertainign to S.B. No. 4-76, S.D. 1, H.D. 1, carried by voice vote.

Floor Leader: I move for the passage of S.B. No. 4-76, S.D. 1, H.D. 1, on its Final Reading.

Juan Pan seconded the motion.

Speaker: Discussion.

Fitial: Does this bill still have Sunset Clause?

Juan Pan: What do you mean by Sunset Clause.

Fitial: That it is only good up to certain date.

Juan Pan: There is provisions that are applicable that will expire after that date, but the bulk of the bill will be in effect permanently unless repeal by the legislature. Section 5 will apply after January 13th. Section 6, Legislative Day will expire too. Other than that the bill itself contained austerity measure that the legislature is in need.

Speaker: Are you satisfy with the respond?

Fitial: In other words the previous provision for this Austerity Measure will be only effective up to January, 1986.

Juan Pan: No some of the provision of the bill will be in effect immediately. Section 5 is the only part of that bill that will be in effect on January 13th.

Fitial: The rest will remain.

Juan Pan: Yes.

Kilili: Mr. Speaker firstly I will like to address the issue I am aware of from the Senate that sort of put pressure on the House. I will like to state for the record that I do not take it lightly that the Federal Government shall in any way ~~exist upon~~ insist upon administrative reinforce of the Commonwealth Government. The essential ingredient of the Covenant that was negotiated eventually and passed was that there will a self-governing

of the Commonwealth for the Northern Mariana Island. I am supporting the bill Mr. Speaker because it is something that we need right now and I must admit that there is pressure outside of the Commonwealth. My question now Mr. Speaker is on page 3, line 11 says "The legislative branch shall employ no more than 100 Full Time Employees at any time." Under subsection (c)

Speaker: This is a break down between the two Houses.

Kilili: I see, thank you. This is a good bill. I must congratulate the members on the Committee on Appropriation.

Fitial: Very good.

Juan Pan: We met and ironed out all the concern that were raise partially by the some of the members are now incorporated.

Kilili: I think this is good for the Northern Mariana Islands.

Fitial: I will like to post a question to the Chairman of the Appro. Comm. In lieu of this negotiation how much of an expenditure are you

Speaker: It is in the bill.

Juan Pan: The 2.8 is not my figure Minority Leader. The 2.8 is the Executive Branch's figure. I did not take upon myself to change any of the figure.

Kilili: In fact for the information of the members, the bill addresses the concern of the Minority members. The budget as submitted by the Governor eliminated 100% of any funding for the Minority Office.

Fitial: That is an assumption that we will not be in the Minority. (Laughter)

Floor Leader: I was looking at Section 5 of the bill.

Speaker: What page Floor Leader.

Floor Leader: Page 9, Section 9. My concern is whether it is necessary for us to consider this as a writer .

Juan Pan: The reason for Section 9 is that with the constraint for 1.4 million both the Houses, this is the interest of the legislature in order to conserve the limited resources that the government should ~~put for members of the legislature~~ food for the members of the legislature from other islands of our Senatorial District.

Floor Leader: Okay I am satisfy with the answer. Section 10 Mr. Speaker, under subsection (a) all the way down, I think the legislature should come out with a policy rather than passing a bill because once we pass this bill any member of the legislature that brings a car and parks in his house, at that moment that member is a criminal because he is violating the law.

Juan Pan: The intention of the bill is to force austerity and the responsibility lies in each member of the legislator. The provision in Section 10 of the bill which is "Entertainment Expense" restricts that provision to the presiding officer for purposes set forth because of the lack of control in the other House that the committee fail since this is an austerity measure that we should control the amount for those purposes. The vehicle as my colleague mentioned, I do not think that it is in the best interest of the Commonwealth that each member of the legislature should have one vehicle to take home. Again, whenever each legislature uses a vehicle it consumes gas and again the ultimate result is you seek more than what you have and then forcing yourself going into ~~debt~~ deficit and that is the problem that we have experienced in the past.

Fitial: I believe this is a very good bill.

Floor Leader: Can I continue. Suppose we have to stay within our budget and if that Community funding is budgeted for \$3,000 per legislator, then I do not see if the Speaker can entertain his constituent with a case of soft drink. We are talking about austerity. As long as I can stay within that budget then I can

Kilili: Because the bill prohibits the Speaker from entertaining his constituents with his entertainment expenses. It has to be only off-island. Off-island residents and off-island officials are not the Speaker's constituents. I think the bill is a good bill. You have to look at it as a whole not sections by sections.

Juan Pan: The bill only allows for the benefit of the Commonwealth, not for the individual.

Fitial: This is a very good bill.

Juan Pan: I do agree that some of the provisions should not be in the bill however we have passed a prior House Bill that is now sitting in the Senate, some of those provisions are incorporated under this so that we can insure the emphasis on fiscal austerity which is mandatory on all parts of the legislature.

Benigno Sablan: Ready for the question.

The Clerk called the roll for voting purposes on S.B. No. 4-76, S.D. 1, H.D. 1. The voting result, twelve voting yes. S.B. No. 4-76, S.D. 1, H.D. 1 hereby passes the House on its Final Reading.

H.B. No. 242:

Juan Pan: I move for the passage of H.B. No. 242.

Fitial seconded the motion.

Speaker: Discussion.

Hocog: Ready.

Kilili: Mr. Speaker I move that we suspend the rule necessary so that H.B. No. 242 can be consider on today's session, First and Final Reading.

Hocog seconded the motion.

The motion to suspend Rule _____ pertaining to H.B. No. 242 so that the bill can be consider on today's calendar.

Kilili: I move for the passage of H.B. No. 242, First and Final Reading.

Juan Pan seconded the motion.

Speaker: Discussion.

Kilili: Ready.

The clerk called the roll for voting purposes on H.B. No. 242. The voting result, twelve voting yes. H.B. No. 242 hereby passes the House on its Frist and Final Reading.

Speaker: Any more bill on the calendar?

Clerk: None Mr. Speaker.

Benigno Sablan: Mr. Speaker on the 4-72 Conference Report can we object or reject that now, the Commonwealth Bank Act.

Speaker: I came upon some correspondence ^{between} ~~with~~ the Chairman to the AG and also the Public Auditor and I do not know ff they have send in their response yet. ~~to those~~ I will like the committee to go back and follow up on that. Those are the questions that have been raise

MISCELLANEOUS Business

Fitial: None.

ANNOUNCEMENTS

Juan Pan: I just like to inform the members of the Appro. Comm. that the Budget Hearing will commence on Monday, the 17th, as scheduled.

Floor Leader: Mr. Speaker on behalf of the people of San Antonio, you are cordially invited to attent the San Antonio Fiesta on Sunday. At the same time I am asking Cong. Guerrero and Tudela to please lend me their tents. (Laughter)

Speakr: I suggest that you see them after the session. On the same line of announcement I will also like to invite all the members and staff for the Sacred Heart of Jesus Fiesta on Chalan Kanoa Dist. No. 1 scheduled for this Saturday, 6 o'clock in the evening.

Floor Leader: I move that the House adjourns subject to the call of the Chair.

Vice Speaker seconded the motion.

The motion to adjourn the House subject ot the call of the Chair, carried by voice vote.

The House adjourned at 12:39 noon.