

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

FOURTH DAY

Tuesday, August 13, 1985

The House of Representatives of the Fourth Northern Marianas Commonwealth Legislature, Seventh Regular Session, 1985, was called to order at 10:51 a.m., Tuesday, August 13, 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. Nine members were present. Representatives Francisco Cabrera, Jose Cabrera, Ignacio Demapan, Juan Demapan, Fitial and Pedro R. Guerrero were absent.

Speaker Sablan: Representative P. R. Guerrero requested to be excuse from today's session. The quorum is duly constituted for today's session.

Representative Juan T. Guerrero: Mr. Speaker, privilege. The request for absent is it in writing?

Speaker Sablan: He called and told me verbally, Congressman.

Representative Juan T. Guerrero: If there is no objection from the members, in the April 23rd and April 24th sessions, I will like to request the Speaker to make corrections that Representative Gregorio C. Sablan and Representative Juan T. Guerrero were on official business. That was an instruction from you Mr. Speaker to be off-island, to be in Washington, D.C., to appear before Congress on behalf of the House of Representative.

Representative Gregorio C. Sablan: I also ask to be excuse Mr. Speaker because every time I am absent from this chamber it is because I am on an official business.

Representative Juan T. Guerrero: May 2nd too Mr. Speaker.

Speaker Sablan: Let the subsequent journal reflect that Representatives Greg C. Sablan and John T. Guerrero were on official business on these two days.

ADOPTION OF JOURNALS

Floor Leader Nakatsukasa: Mr. Speaker I move for the adoption of the 1st, 2nd, 3rd, and 4th Day Journals, Sixth Regular Session.

Representative Juan T. Guerrero seconded the motion.

Speaker Sablan: Comments.

Floor Leader Nakatsukasa: There are some minor typographical and grammatical errors. I will like to request the Clerk to make the necessary corrections.

Speaker Sablan: Can you be more specific Floor Leader.

Representative Gregorio C. Sablan: He has two hours to make those corrections. If it will take more than two hours I am objecting because they might change the whole journal and we will not know.

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Floor Leader Nakatsukasa: I think the House Clerk can read this thoroughly and spot the errors. If you can authorize him to make the corrections like the words that are misspelled . . . .

Speaker Sablan: I think our House Rule authorizes the Clerk to make such corrections. Ready for the question?

Representative Juan T. Guerrero: Ready.

The motion to adopt the 1st, 2nd, 3rd, and 4th Day Journals, Sixth Regular Session, carried by voice vote.

INTRODUCTION OF BILLS

H.B. No. 264: "A BILL FOR AN ACT TO MAKE APPROPRIATIONS FOR THE OPERATIONS OF THE NMI SOCIAL SECURITY ADMINISTRATION AND EDLF OF THE GOVERNMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1985 AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero

Representative Juan T. Guerrero: I will like to ask the Chair to place this on today's calendar, if there is no objection from the members. Point of clarification, the Northern Marianas Social Security and the EDLF are now operating without appropriation. So I am asking the Chair and the members to consider this on today's session.

Speaker Sablan: For the information of the members, the bill just introduced has the committee report attached to it, Committee Report No. 106. May I ask all the members to insert Committee Report No. 106 between 105 and 107 please, of our Reports of Standing Committees, second page, line 9 of our agenda. Also to insert on the calendar for First Reading, the last page of our agenda, H.B. No. 264.

H.B. No. 266: "A BILL FOR AN ACT TO AUTHORIZE \$20,000 TO THE ARTS COUNCIL FOR DESIGN AND CONSTRUCTION OF A TAGA AND LATTE STONE SCULPTURE."

Introduced by: Pedro T. Nakatsukasa and two others

Assigned to : Appropriation Committee

H.B. No. 267: "A BILL FOR AN ACT TO CREATE A CIVILIAN VOLUNTEER POLICE RESERVE, AND TO AMEND 3 CMC, DIVISION 5 TO ADD A NEW CHAPTER 5 FOR THIS PURPOSE."

Introduced by: Pedro T. Nakatsukasa and Torres

Assigned to : J.G.O. Committee

H.B. No. 268: "A BILL FOR AN ACT TO AUTHORIZE THE GOVERNOR TO EXECUTE AN AGREEMENT TO INCUR PUBLIC DEBT TO INSTALL A SEWER MAIN LINE FROM THE HOTEL NIKKO SOUTH THROUGH THE VILLAGES OF SAN ROQUE AND TANAPAG AND FOR OTHER PURPOSES."

Introduced by: Benigno Sablan and three others

Representative Benigno Sablan: Mr. Speaker for the next session, the committee report is ready.

H.B. No. 269: "A BILL FOR AN ACT TO AMEND 1 CMC SECTIONS 2152, 2202 AND 3104 REGARDING THE QUALIFICATIONS FOR PUBLIC OFFICE THAT REQUIRE LEGAL TRAINING AND FOR OTHER PURPOSES."

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Introduced by: Gregorio C. Sablan

Representative Gregorio C. Sablan: Copies are being made, I ask that if there is no objection from the members, I yield to my Floor Leader and ask him to suspend the applicable rule to place the bill on today's session.

Floor Leader Nakatsukasa: No objection Mr. Speaker. Upon his request, I move that we suspend Rule 9 Section 9, Rule 7 Section 8(a) and Rule 9 Section 8.

Representative Hocog seconded the motion.

The motion to suspend Rule 9 Section 9, Rule 7 Section 8(a) and Rule 9 Section 8, pertaining to H.B. No. 269, carried by voice vote.

Representative Juan T. Guerrero: Mr. Speaker I have a Local House Bill, can I introduce this now?

Speaker Sablan: Yes.

L.H.B. No. 3: "A BILL FOR AN ACT TO REPEAL TITLE 6 OF THE SAIPAN MUNICIPAL CODE, TO REGULATE CERTAIN GAMBLING, AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero and Pedro T. Nakatsukasa

Representative Juan T. Guerrero: I will like to request that this bill be refer to the proper committee for public hearing.

Representative Gregorio C. Sablan: Has the Mayor given his thirty days notice?

Speaker Sablan: I will like to request the Clerk to immediately notify the Mayor. He is required for his comments.

Representative Gregorio C. Sablan: Mr. Speaker I just discovered the other day that we need a Saipan Delegation. I will further comment on the same subject under Miscellaneous.

Floor Leader Nakatsukasa: I will like to request that the House Clerk inform the San Antonio District regarding this local bill.

Representative Juan T. Guerrero: On the local bill Mr. Speaker we are basically repealing and reenacting sections. With the opinion of the House Counsel we do not require any input from the Mayor.

INTRODUCTION OF RESOLUTIONS

H.R. No. 154: "A HOUSE RESOLUTION APPROVING OF THE REAPPOINTMENT OF THE HONORABLE ROBERT A HEFNER TO A SECOND TERM AS CHIEF JUDGE OF THE COMMONWEALTH TRIAL COURT AND RECOMMENDING HIS CONFIRMATION TO THE HONORABLE MEMBERS OF THE SENATE."

Introduced by: Pedro T. Nakatsukasa and seven others

Representative Gregorio C. Sablan: Mr. Speaker, question. Is Congressman Nakatsukasa a member of the Bar?

Floor Leader Nakatsukasa: No. Also, I will like to request the Chair to place this resolution on today's calendar because the confirmation is just a matter of time. I move to suspend Rule 7 Section 8 and Rule 9 Section 8 in order that we can place this resolution on today's calendar.

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Representative Benigno Sablan seconded the motion.

Representative Gregorio C. Sablan: No objection.

The motion to suspend Rule 7 Section 8 and Rule 9 Section 8, pertaining to H.R. No. 154, carried by voice vote.

MESSAGES FROM THE GOVERNOR

Representative Gregorio C. Sablan: Mr. Speaker I will like to request the Chair to refrain the Clerk from reading the messages, also items 5, 6, 7 and 8 of our Order of Business.

Speaker Sablan: Is there any objection from the members, if none, the Clerk will refrain from reading the communications.

124: Informing the House that he has signed into law H.B. No. 259, entitled, "To extend the existence of the Second Constitutional Convention by Five Days, to amend Sect. 11(a) of P.L. No. 4-30.", into P.L. 4-50.

125: Informing the House that he has signed into law H.B. No. 262, entitled, "To provide for a Post Constitutional Convention Committee which will coordinate analysis and public education of the amendments proposed to the Northern Mariana Islands Constitution by the Second Constitutional Convention.", into P.L. 4-52.

126: Informing the House that he has signed into law H.B. No. 35, H.D. 2, C.D. 1, entitled, "Providing for the licensing of professional engineers, architects, land surveyors, and landscape architects; and for other purposes.", into P.L. 4-53.

127: Informing the House that he has signed into law, in part, H.B. No. 254, S.D. 1, J.D. 1, "To identify \$3,100,000 to meet the financial needs of the power plant, hospital and Senate for the remainder of FY 1985, to transfer the resources to the general fund, to appropriate the resources, to identify CIP resources and appropriate \$540,000 for capital improvement projects in the Commonwealth, to restrict the use of the resources.", into P.L. 4-54.

Floor Leader Nakatsukasa: Mr. Speaker if there is no objection I will like to ask the Speaker if we can go back to Introduction of Resolutions. I just found out that I have one more resolution to introduce.

H.B. No. 153: "A HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ISSUE A POLICY PROHIBITING ANY EMPLOYEES, DEPARTMENT REPRESENTATIVES OR OTHER DESIGNEES TO TRAVEL TO FOREIGN COUNTRIES FOR THE PURPOSE OF RECRUITING EMPLOYEES EXCEPT THE PERSONNEL OFFICE."

Introduced by: Pedro T. Nakatsukasa

Representative Juan T. Guerrero: Mr. Speaker I will like to comment on the introduced resolution that it be refer to the proper committee. At this point in time I have reservation to endorse such resolution for reason that the Personnel Officer in my opinion might not be the right person to interview applicants for positions that requires technical, like the Public Auditor, this requires a public auditor to interview the applicants. For the Attorney General's position, the Attorney General should interview the respective applicant. Reason is that they know the operation of their departments, but in particular this will only refer to off-island, outside of the U.S. Territory, therefore, the appropriate example here is the Public Auditor, I do not think that there is anybody at the Personnel Office who is qualified to interview applicants or hire an applicant on behave of the Public Auditor.

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Speaker Sablan: The resolution will be refer to the committee. Any comments from any of the members on the Messages from the Governor.

Representative Juan T. Guerrero: Yes, Mr. Speaker, Communication No. 127, as you know the Senate hearing date for the TRO has been extended to August 15th and I think Section 3 of the bill is in question. I believe the committee should look into the legal problem that might exist on that so that in the event that the TRO is file permanently and the justice is given to MPLC, that we come up with the language to clarify or allow the Governor, otherwise, it will create a hole on H.B. No. 254.

Speaker Sablan: In relation to that there is an item veto of the bill and I will also like to refer this back to the appropriate committee which is the Appropriation Committee, to review the vetoed message and also to follow up on the TRO set for August.

DEPARTMENTAL COMMUNICATIONS

24: From Bill Lopp, Chief, Division of Environmental Quality, submitting the D.E.Q. FY 1985 quarterly report for April, May and June.

Speaker Sablan: Any comments?

SENATE COMMUNICATIONS

170: Returning H.B. No. 254, S.D. 1, entitled, "A Bill for an Act to identify \$3,100,000 to meet the financial needs of the power plant, hospital and Senate for the remainder of FY 1985, to transfer the resources to the general fund, to appropriate the resources, to identify CIP resources and appropriate \$540,000 for capital improvement projects in the Commonwealth, to restrict the use of the resources.", which the Senate passed on Second and Final Reading, July 29, 1985, by the majority vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985. (This Bill has become P.L. No. 4-54)

Speaker Sablan: Senate Communication No. 170 became P.L. No. 4-54.

171: Informing the House that the Senate at its First Day, Fourth Regular Session, 1985, on July 10, 1985, by the majority vote of the members, a quorum being present, accepted Conference Committee Report No. 4-10 and passed on Final Reading Senate Bill No. 4-30, H.D. 1, C.D. 4, relative to Shooting Galleries. (This Bill has become P.L. 4-51.)

172: Informing the House that the Senate at its Fourth Day, Fourth Regular Session, 1985, on July 29, 1985, by the majority vote of the members, a quorum being present, accepted Conference Committee Report No. 4-11 and passed on Final Reading H.B. No. 35, H.D. 2, C.D. 1, "A Bill for an Act providing for the licensing of professional engineers, architects, land surveyors, and landscape architects." (This Bill has become P.L. 4-53)

173: Returning H.B. No. 262, entitled, "A Bill for an Act to provide for a Post Constitutional Convention Committee which will coordinate analysis and public education of the amendments proposed to the Northern Mariana Islands Constitution by the Second Constitutional Convention.", which the Senate passed on Second and Final Reading, July 29, 1985, by the majority vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985. (This Bill has become P.L. No. 4-52)

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174: Returning H.B. No. 70, entitled, "A Bill for an Act to prohibit the tethering of cattle, goats, pigs or other livestock or domesticated animals within twenty (20) feet of either edge of any public highway, and to amend 9 CMC Section 5802.", which the Senate passed on Second and Final Reading, July 29, 1985, by the majority vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985.

Representative Gregorio C. Sablan: Mr. Speaker has 174 been transmitted?

Speaker Sablan: Yes, it is in the process of being transmitted. It is not being engross and should be ready by today for transmittal.

175: Transmitting S.B. No. 4-81, entitled, "A Bill for an Act to amend P.L. 3-91, the Commonwealth Auditing Act of 1983, and for other purposes.", which the Senate passed on Second and Final Reading, by the majority vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985.

Representative Juan T. Guerrero: Mr. Speaker I will like to request the Chair that Senate Communication No. 175 be refer to the appropriation committee.

Speaker Sablan: Yes, in fact I have that note in my calendar. The said communication will be refer to the Appropriation Committee. Is that the appropriate committee?

Representative Juan T. Guerrero: Yes Mr. Speaker.

176: Returning H.J.R. No. 39, entitled, "A H.J.R. requesting Mobil to lower the price of gasoline in the Northern Mariana Islands in conformance with the world-wide drop in oil prices.", which the Senate adopted by the unanimous vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985.

Speaker Sablan: I will like to go over the communications. 172 became P. L. No. 4-53, in reference to Governor's Communication No. 126. Communication No. 173 became P. L. 4-52, Governor's Communication No. 125. 174 is ready for engrossment and transmittal to the Governor. 175 is referred to the Appropriation Committee. 176 is ready for engrossment and distribution. Any other comments?

PETITIONS, MEMORIALS AND COMMUNICATIONS

163: From Speaker Sablan, forwarding the adopted Con Con Proposed Amendments.

Speaker Sablan: Communication No. 163, I provided an advance copies to all the members in my memo of July 30th, for an advance review. You do not have this on your package today.

164: From Honorable Robert A. Hefner, Chief Judge, relative to H.R. No. 148.

Speaker Sablan: 164, I will like to refer this to the R & D Committee for an oversight hearing.

Representative Benigno Sablan: Mr. Speaker I have taken the initiative to write to the Department of Commerce and Labor to provide us with their statistical records, of their case numbers and time periods, and so forth. That letter should be sign today and will be given to all members.

Speaker Sablan: Is the J. G. O. taking the lead on this?

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Representative Benigno Sablan: We are coordinating with R & D, I am taking the lead this morning because the Chairman of R & D is not here.

Speaker Sablan: Okay.

165: From Herman T. Guerrero, President, Second Northern Marianas Constitutional Convention, transmitting Resolution No. 9, entitled, "Submitting to the Northern Marianas Commonwealth Legislature certain Delegate Proposals which are deemed appropriate legislative matters and requesting the Legislature to take action thereof.", adopted on July 22, 1985.

Speaker Sablan: 165, this is the miscellaneous Con Con proposal that the Con Con Delegates feel to be legislative matters and have not heard during their deliberation. They are forwarding to us for possible action or introduction for legislative action. It is up to all the members to review any of these proposals and if you feel that you can act upon some of the proposals, you may do so.

Representative Benigno Sablan: Does this need two-third votes?

Speaker Sablan: No, this is the miscellaneous Con Con proposals that have not been acted.

Representative Juan T. Guerrero: Some of them are nonsense.

Speaker Sablan: Some of them are already in the process of being introduced.

Representative Juan T. Guerrero: In fact Mr. Speaker some of them were extracted out of House Bills.

Representative Gregorio C. Sablan: Shall we move on?

166: From Speaker Sablan, relative to Governor Tenorio's letter dated July 31, 1985.

167: From G. Fong, Crown Solicitor for Solicitor-General, thanking Mr. Daniel Quitugua for the certified copy of H.R. Nos. 139, 142, and 143.

168: From Herman T. Guerrero, President, Second Northern Marianas Constitutional Convention, transmitting a copy of Resolution No. 12 entitled, "Expressing appreciation to the Governor, the executive branch department heads, the President of the Senate and the Speaker of the House of Representatives for the support provided to the Convention.", adopted by the Second Northern Marianas Constitutional Convention on July 22, 1985.

169: From Herman T. Guerrero, President, Second Northern Marianas Constitutional Convention, transmitting a copy of Resolution No. 1-85, C.D. 1, entitled "Extending the appreciation to the Pre-Convention Committee members, the staff of the Pre-Convention, Executive and Legislative Branches.", adopted by unanimous vote of all delegates present, July 22, 1985.

170: From J. M. Guerrero, Managing Director, MVB, submitting a copy of the Management Report covering the months of June and July, 1985.

171: From Honorable Robert A. Hefner, Chief Judge, submitting an amendment to the Probate Rules.

172: From Honorable Robert A. Hefner, Chief Judge, enclosing the amendments to the Civil and Criminal Procedure Rules.

173: From Honorable Robert A. Hefner, Chief Judge, enclosing a new proposed Judicial Fee Schedule and the present Judicial Fee Schedule.

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174: From Brian W. McMahon, President NMI Bar Association, requesting on behalf of the Bar Association a reconsideration of H.B. No. 250.

Speaker Sablan: Communication Nos. 171, 172 and 173, I am referring these to the J.G.O. Committee for their review. 174 is also to be refer to the J.G.O. Committee.

175: From Herman T. Guerrero, President, Second Northern Marianas Constitutional Convention, enclosing the corrected versions of Proposed Constitutional Convention No. 14 and Proposed Constitutional Amendment No. 22.

Speaker Sablan: 175, I will like the members to take note of the corrected copies of the official adopted Con Con proposals.

176: From Rex I. Palacios, Public Auditor, CNMI, submitting the Audit Report for the Economic Development Loan Fund.

Speaker Sablan: 176 is referred to the Appropriation Committee.

177: From Jesus P. Mafnas, Personnel Officer, enclosing twenty (20) copies of the Personnel Service System Rules and Regulations.

Speaker Sablan: 177, copies of the handbook were distributed earlier.

REPORTS OF STANDING COMMITTEES

4-104: Reporting on H.B. No. 241, entitled, "To amend P. L. 4-49, Commonwealth Development Authority." (Your Committee on R & D recommends adoption)

4-105: Reporting on H.B. No. 238, entitled, "To make possible the implementation of FHA and other federal mortgage insurance programs in the Commonwealth to encourage the construction of improved residential housing, and for other purposes." (Your Committee on R & D recommends adoption)

4-106: Reporting on H.B. No. 264, entitled, "To make appropriations for the operations of the NMI Social Security Administration and EDLF of the Government of the Commonwealth of the Northern Mariana Islands for the Fiscal Year ending September 30, 1985 and for other purposes." (Your Committee on Appropriation recommends adoption.)

4-107: Reporting on H.B. No. 245, Committee Substitute, entitled, "To increase the fee for licensing of poker machines, to amend 4 CMC, Section 1504, (a)(2), and to repeal and reenact 4 CMC, Section 1803, and for other purposes." (Your Committee on Appropriation recommends adoption)

4-108: Reporting on H.B. No. 233, Committee Substitute, entitled, "To automatically appropriate for deficit reduction all deobligated and lapsed funds after the end of the fiscal year in which they were appropriated and to add a new Section 7606 to 1 CMC, Division 7." (Your Committee on Appropriation Committee recommends adoption.)

4-109: Reporting on H.B. No. 216, entitled, "To establish a comprehensive corporations act, to legislate the amount of fees for incorporation and for filing of documents with the Registrar of Corporations, and to repeal 4 CMC Sections 4103, 4104, 4105, 4106, to repeal and reenact 4 CMC Sections 4102, 4201, 4202, 4203 and 4205 and for other purposes." (Your Committee on R & D recommends adoption as amended.)

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None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

H.R. No. 154: "A HOUSE RESOLUTION APPROVING OF THE REAPPOINTMENT OF THE HONORABLE ROBERT A HEFNER TO A SECOND TERM AS CHIEF JUDGE OF THE COMMONWEALTH TRIAL COURT AND RECOMMENDING HIS CONFIRMATION TO THE HONORABLE MEMBERS OF THE SENATE."

Speaker Sablan: Let us have a short recess so that copies can be distributed.

The House recessed at 11:20 a.m..

The House reconvened at 11:30 a.m..

Speaker Sablan: The session shall now reconvene. Prior to recess we are on the Resolution Calendar.

Floor Leader Nakatsukasa: Mr. Speaker I move for the adoption of H.R. No. 154.

Representative Juan T. Guerrero seconded the motion.

Representative Gregorio C. Sablan: Ready for the question.

Floor Leader Nakatsukasa: Mr. Speaker if there is no objection from the members I would request that the entire members of this august body sign the resolution.

Representative Juan T. Guerrero: I will like to request that my name will not be included because the Honorable Hefner is questionable in some of his doings in receiving allowance for housing and so forth that the Committee in Appropriation find this irrelevant to his employment in the CNMI.

Representative Gregorio C. Sablan: Mr. Speaker I have no objection to being one of the sponsor of the resolution. Mr. Speaker how can all the members be sponsors if they are not present in today's session. Only those present can be sponsors.

Speaker Sablan: It should be limited only to the members present on today's session. Those that have objected will not be included in the resolution.

Representative Gregorio C. Sablan: Ready.

The motion to adopt H.R. No. 154, carried by voice vote. H.R. No. 154 is hereby adopted by the House.

Speaker Sablan: Any other resolution on the calendar?

Clerk: None Mr. Speaker.

BILL CALENDAR

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First Reading

H.B. No. 241: "To amend P.L. 4-49, Commonwealth Development Authority."

Floor Leader Nakatsukasa: I move that we pass H.B. No. 241, First Reading.

Representative Hocog seconded the motion.

Speaker Sablan: Discussion.

Representative Gregorio C. Sablan: Ready.

The motion to pass H.B. No. 241, First Reading, carried by voice vote.

H.B. No. 238: "Home Mortgage Insurance Implementation Act of 1985."

Floor Leader Nakatsukasa: I move for the passage of H.B. No. 238, First Reading.

Representative Gregorio C. Sablan: Mr. Speaker if there is no objection, I move that we suspend Rule 9 Section 9 so that we can pass H.B. No. 238 on its First and Final Reading.

Representative Juan T. Guerrero: Mr. Speaker I have gross objection.

Speaker Sablan: Can we entertain the motion and then . . . .

Representative Juan T. Guerrero: Mr. Speaker it has been moved and nobody seconded the motion, at this point in time the bill is still . . . .

Representative Hocog: I second the motion Mr. Speaker.

Representative Juan T. Guerrero: Mr. Speaker now I will like to debate the bill.

Representative Gregorio C. Sablan: Mr. Speaker I move that we suspend Rule 9 Section 9 and that the Speaker prioritize the motion before the floor pursuant to House Rule, H.R. No. 63.

Speaker Sablan: Yes.

Representative Juan T. Guerrero: Point of order Mr. Speaker before you do that, we are giving a full faith and credit and I believe in giving that authority and more power to the bill that we give more than two-third vote.

Speaker Sablan: Can we get an understanding to pass this bill on First Reading.

Representative Gregorio C. Sablan: Can the Chair get his motion in order.

Speaker Sablan: The motion you offered is to suspend Rule 9 so that the bill will be allow for passage on Final Reading.

Representative Gregorio C. Sablan: Yes and we are ready.

Speaker Sablan: Any second to the motion.

Vice Speaker Tudela seconded the motion.

The motion to suspend Rule 9 Section 8 pertaining to H.B. No. 238, there was a division on the votes and the motion was not carried.

Representative Gregorio C. Sablan: Division Mr. Speaker.

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Speaker Sablan: There is a question on the votes. I will like to ask those in favor of the motion to please raise up their right hands. Now those opposing, do likewise. Once again, those in favor of the motion please raise up your hands.

Representative Gregorio C. Sablan: Can you reinstate the motion again Mr. Speaker.

Speaker Sablan: The motion is to suspend Rule 9 Section 8 to consider H.B. No. 238 on its First and Final Reading. Once again those in favor please raise your right hands. Those that opposes please do likewise. It is a tie vote, therefore the motion is . . . .

Representative Gregorio C. Sablan: Mr. Speaker this House has maintain to take precedence in consideration of motion on the floor, the vote is tie, and I refer Mr. Speaker to reflect this on today's journal, Monday, April 8, 1985 session. I hope the floor is consistent. I hope the Chair is consistent. Be consistent because it affects something that is already a public law. Be consistent.

Speaker Sablan: The bill goes back now to First Reading, that is the ruling of the Chair now.

Representative Gregorio C. Sablan: Okay, I hope that that is being recorded because I intend to take the public law into court because it is legally passed by the House after . . . .

Speaker Sablan: That was referred back to the committee.

Representative Gregorio C. Sablan: That was the motion. There was a vote taken according to the *Journal*, on the session of April 8, 1985.

Speaker Sablan: We are still on First Reading discussion.

Representative Gregorio C. Sablan: I move that we pass on First Reading H.B. No. 238.

Vice Speaker Tudela seconded the motion.

Speaker Sablan: Discussion.

Representative Juan T. Guerrero: The gross objection I have at this point in time Mr. Speaker is on page 6, from line 6 to line 12. I will like to get a clear interpretation as to the underlined provisions, specifically, the additional amendment to this section. I find it hard at this point in time Mr. Speaker that we do not specify the amount. At this point in time MIHA has in their jurisdiction \$8 million that qualifies this section. Mr. Speaker and fellow members, if we put a lenient to that full faith and credit \$5 million, I can see the objection here, but if we don't specify the amount to be up to \$8 million plus interest, does the CNMI have that power? Or do we have the resources to repay this. Mr. Speaker and fellow members, if I can be assure what it says here, case by cases, and the amount is less than \$100,000 per case and it is not the \$8 million that MIHA have quoted and won't be utilizing private individuals for purposes of developing low income housing and so forth, then I will endorse the bill as it is because I believe that there is part of the bill that is essential to the livelihood of the CNMI, but this particular provision is so broad that the failure of MIHA can cause the bankruptcy of the government. So I urge our members that we consider this on First Reading and that we get a legal interpretation of this provision in writing, and only in lesser amount. Thank you Mr. Speaker.

Representative Torres: I just talked to the legal counsel Mr. Speaker and his interpretation on this provision is only in the amount in default, therefore, Congressman Guerrero's concern who should be carrying the burden of the allege \$8 million has no bearing on this provision.

Representative Juan T. Guerrero: It does.

Representative Torres: I cannot perceive that happening.

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Speaker Sablan: That provision is only limited to the . . . .

Representative Torres: . . . the amount in default.

Representative Juan T. Guerrero: Yes, but are you aware that MIHA has solicited bid on the \$8 million, that will qualify under this. Some of them are individual from Tinian requesting for \$15 million to put up 700 housing units, when they only have, I think 75 households. Let us get our figures down. Let us have a specific language so that we do not jeopardize the integrity on the full faith and credit of the CNMI.

Representative Torres: Rather than continuing argument on this, why don't we call the legal counsel to explain this. My understanding on this section is that for instance a borrower is in a loophole, that is the only amount that the CNMI Government will be in the hole. That full faith and credit for that particular amount in default, not the entire bonding issue, that does not have any bearing.

Representative Juan T. Guerrero: But they have to loan out the \$8 million.

Representative Gregorio C. Sablan: Mr. Speaker, Representative Torres still have the floor right?

Speaker Sablan: Yes. Representative Torres will you yield?

Representative Torres: Okay.

Representative Gregorio C. Sablan: Mr. Speaker the original intend of H.B. No. 238 as introduced is very short and sweet. Sure there is a memorandum of understanding between the farmers of FHA and MIHA for one project and that is the \$8 million. One project. If we consider H.B. No. 238 as introduced, the original bill, it means that we are passing legislation that meets the criteria on federal regulations for future projects find in the Northern Marianas, not only for that one project right now, but I will now agree with Representative Guerrero that the inclusion of line 9 will more specifically and with the possibility on Section 5 of the bill, the purpose of H.B. No. 238 will change dramatically. The bill is a request from our Resident Representative to the U.S.. He has a detail information available to give to his contacts with FHA. His intend are good, it is just to make regulations, CNMI Law, for CNMI to meet standards or criteria, but now with this Mr. Speaker . . . . Another information I ask that I have not been able to gather documents right now, I have a first hand information that at this point in time even the projects up at the areas of As Honno, the homes are being live in, people are residing in the homes and Farmers Homes have not come true. MIHA essentially puts people in homes because it has to present a public image and that is providing homes. This is in contradiction of the arrangement between the Federal Government and the CNMI Government.

Representative Benigno Sablan: Ready Mr. Speaker.

Representative Gregorio C. Sablan: Mr. Speaker, I ask that this bill be refer to the original jurisdiction for further study.

Representative Benigno Sablan seconded the motion.

Speaker Sablan: Can you get together and correct this for the Second Reading. I will like to point out for the information of the members that the changes reflected in this bill is a result of the final input of our Washington Representative that we just received recently. The most recent changes that he will like to see incorporated in the bill and one of this includes this . . . .

Representative Gregorio C. Sablan: I understand that Mr. Speaker but it changes dramatically the original H.B. No. 238. Now the Federal Government can come in and own property in the Northern Marianas. They can take over the homes. Do we want this.

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Speaker Sablan: Only if they default.

Representative Gregorio C. Sablan: Mr. Speaker I just mentioned that right now MIHA has put people in homes without those people meeting the approval of FHA. That is because MIHA wants to present an image. MIHA has consistently Mr. Speaker, consistently, want to do irrespective of the intend of the government officials in the Northern Mariana Islands. Do we continue this crab? Has been consistent in that point. They are treating this legislature like student council members. It has gone out there and contracted tax exemptions for contracts. Now what the hell you and I think we are.

Speaker Sablan: I understand the point.

Representative Juan T. Guerrero: Mr. Speaker for the last time before we . . . .

Representative Gregorio C. Sablan: Out of order.

Floor Leader Nakatsukasa: Mr. Speaker I intend to agree that we refer this bill back to the committee of original jurisdiction. On page 6 as I analyze this or digest the bill . . . .

Speaker Sablan: Yes First Reading will allow you Floor Leader to do just that.

Representative Gregorio C. Sablan: Let the Floor Leader speak Mr. Speaker.

Floor Leader Nakatsukasa: I have been listening to a lot of speakers and if we are to take responsibility on the full faith and credit, if this is very bad to the Commonwealth, we cannot in no way authorize the Government of the Commonwealth to take responsibility over MIHA. I do not know how the other members feel about this, but we cannot hold responsibility for one making mistakes when we know that this bill is somehow defective in language. For this reason Mr. Speaker I move that we refer this back to the committee of original jurisdiction.

Representative Gregorio C. Sablan: Have it pass on First Reading and have it refer back to the committee until the concerns are reviewed by the committee, for the Second and Final Reading.

Representative Juan T. Guerrero: Before we do that, this one last time Mr. Speaker. Again, your committee finally finds that the usury ceiling established by the Northern Marianas Commonwealth Law will be preempted by the Federal Law. Again Mr. Speaker if we are going to preempt or remove that section, I suggest we remove it entirely and we should not give special preference regardless of government affiliation. It is a bad practice that we should start creating or preempting our present law just so that we can qualify.

Speaker Sablan: Can the Floor Leader modify the motion a little bit so that we can get an understanding. Mr. Speaker I move that we pass this bill, H.B. No. 238, First Reading.

Representative Gregorio C. Sablan: And refer it back to the committee of the original jurisdiction for further review and report back to the House on our next session.

Representative Benigao Sablan seconded the motion.

The motion to pass H.B. No. 238, First Reading, and to refer it back to the committee of original jurisdiction for further review and to report H.B. No. 238 on the next House session, carried by voice vote.

H.B. No. 245: "Poker Machine Revenue Act of 1985."

Floor Leader Nakatsukasa: I move that we pass this on First Reading today.

Representative Juan T. Guerrero seconded the motion.

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Speaker Sablan: Discussion.

Representative Gregorio C. Sablan: Mr. Speaker I have objections to parts of this bill. I find that Section 2(a) of the bill is inclusive and that the legislature has no business making speculations and I quote specifically "poker machines may have a detrimental effect on the community." There is absolutely no conclusive study that poker machines or any form of gambling has any detrimental effect on any part of our community. We are all speculating and I am not as a member of this legislature who has sworn oath in office, making speculations and work based on speculations. I have better things to do than that. I will on consideration of the Second Reading ask that this section be stricken out. I am not a speculator, I am a legislator. Mr. Speaker we cannot find something base on speculations. It is not a known fact.

Representative Benigno Sablan: From the very beginning Mr. Speaker I'm oppose to poker machines generating revenue for the purposes that are put in the bill. I do not believe that this type of revenue will put good to the people, this is purely gambling. I will continue to oppose the bill because I think we all know that the people in the CNMI have spoken in 1977 that there will be no gambling in the CNMI. I will continue to uphold that plebiscite or referendum as long as I am in this legislature. I think we should put in good, clean money, maybe coming from various government in the United States funding and all that.

Representative Gregorio C. Sablan: From begging.

Representative Benigno Sablan: From begging or wherever. I think that the very essence of our existence here and the fourth branch of government is religion that opposes tremendously on the proceeds from unclean type of businesses. That is of course open for debate.

Floor Leader Nakatsukasa: Mr. Speaker we should put in mind that when God created this earth, the form of gambling was already here. Even if you play with the hairpin game that is a form of gambling. At any rate, how can we define public demand, I will like to ask my colleague how do we interpret Section 8.

Speaker Sablan: You may respond Chairman Cuerrero.

Representative Juan T. Guerrero: Like I said Mr. Speaker, the intend of the bill would restrict to 250, yes if there is a public outcry from the public that the poker machines should be increase, let us say under the present 250 machines that are in Saipan, and Tinian and Rota decide that they want poker machines, that will constitute a public outcry. First of all, no machines shall be in operation without first paying out front the fees of \$3,000. For those businesses in Rota and Tinian that requires their machines, they have to pay up front. That will constitute the number by request that will show that they need those poker machines. I do not anticipate that the number will go up because as it is right now there are only 225 machines and that number might go down because of the increase of the fee structure.

Floor Leader Nakatsukasa: On Section 8(c) . . . .

Representative Juan T. Guerrero: Okay, if the machine is in operation and for some reason the computer chips went bananas, the owner of the machine can come in and on the same spot put a replacement to transfer the license so that machine is replace. If that old machine is repaired then the original machine will stand. There is no indication that you can take that license to another location, no.

Floor Leader Nakatsukasa: The logic behind this, suppose the premises is not making good business and . . . .

Representative Juan T. Guerrero: That is not the problem of the legislature. The legislature is only requesting that in one specific location, if that machine is licensed for that business, we are anticipating that they have made market analysis and that they have conducted a survey

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to indicate that when they play that machine in that location that they would have made money. The way the bill is written now, the bill would restrict the Director of Finance from allowing operators from paying parcel payment from a month to month basis. It is very specific, the intent of the bill spells it out. You cannot buy a license for the Mom & Pop Store in San Vicente and take that machine with the license to put it at Angel's Club or down in any Mom & Pon Store in San Antonio.

Floor Leader Nakatsukasa: Mr. Speaker I remember vividly that the President of the Community College expressed the need of the vocational education for the Commonwealth. I do not know how the other members feel but can we include that in this bill.

Representative Juan T. Guerrero: Mr. Speaker there is a pending bill at the Senate, the alien fee and that money is earmarked specifically for the vocational program.

Representative Gregorio C. Sablan: Mr. Speaker the bill has good intent. The resources is to be deposited into an activity that addresses the development of our people. I ask the Chairman if he will consider and I think he did introduce in today's session, in a separate bill that provides the same consideration for other gambling activity in the Northern Marianas. We should take all those revenues and put them into some kind of development for our people.

Representative Juan T. Guerrero: Yes Mr. Speaker on today's session introduced Local House Bill No. 3. Again, on the same consideration the reservation of fees and taxes collected under this which is the cockfight, the bato and the bingo, specifically. I am kind of confuse, under the present language now it sort of franchise the activity of the cockfight, bingo and bato, yet the Office of the Attorney General have allowed the Filipino to fundraise doing bingo. That is restricted under the Municipal Code. There should be one license issue and that license has been already issued. This local law now emphasizes, it puts more teeth to control the law, and to be strict because the intention is very specific. The wordings are very specific.

Representative Gregorio C. Sablan: Ready for the question Mr. Speaker.

Representative Benigno Sablan: Roll call.

Speaker Sablan: There is a request for roll call, so will the Clerk please call the roll.

Floor Leader Nakatsukasa: Mr. Speaker this is First Reading only.

Representative Benigno Sablan: Roll call Mr. Speaker.

Speaker Sablan: We can vote by voice vote.

Representative Gregorio C. Sablan: I am objecting Mr. Speaker.

Speaker Sablan: For First Reading the Chair will rule that we will voice our vote.

The motion to pass H.B. No. 245, First Reading, carried by voice vote.

H.B. No. 233: "NMI DEFICIT REDUCTION ACT OF 1985."

Floor Leader Nakatsukasa: I move that we pass on First Reading H.B. No. 233, Committee Substitute.

Representative Juan T. Guerrero seconded the motion.

Representative Gregorio C. Sablan: Ready for the question.

Speaker Sablan: Is this a committee substitute?

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Representative Gregorio C. Sablan: Yes.

Representative Juan T. Guerrero: Mr. Speaker I will like to request the Floor Leader to amend his motion to pass this on First and Final Reading. It is non-controversial.

Representative Gregorio C. Sablan: If there is no objection I ask that we suspend Rule 9 Section 8 so that we can consider this on its First and Final Reading.

Floor Leader Nakatsukasa: So move Mr. Speaker.

There were several second to the motion.

The motion to suspend Rule 9 Section 8 pertaining to H.B. No. 233, carried by voice vote.

Floor Leader Nakatsukasa: Mr. Speaker I move that we pass H.B. No. 233, Committee Substitute, on its First and Final Reading.

There were several second to the motion.

Representative Gregorio C. Sablan: Ready for the question.

Speaker Sablan: If there is no comments or discussions, Clerk call the roll please.

The Clerk called the roll for voting purposes on H.B. No. 233. The voting result, nine voting yes. H.B. No. 233, Committee Substitute hereby passes the House on its First and Final Reading.

H.B. No. 216: "THE CORPORATIONS ACT OF 1985."

Floor Leader Nakatsukasa: Motion, I move that we pass H.B. No. 216, H.D. 1, First Reading.

Vice Speaker Tudela seconded the motion.

Representative Gregorio C. Sablan: Mr. Speaker and I ask that we consider the subject bill on the session after next.

Speaker Sablan: Not the next session.

Representative Gregorio C. Sablan: No.

Speaker Sablan: Any more discussion.

Representative Juan T. Guerrero: Ready.

Representative Gregorio C. Sablan: Ready Mr. Speaker.

The motion to pass H.B. No. 216, H.D. 1, First Reading, carried by voice vote.

H.B. No. 264: "TO MAKE APPROPRIATIONS FOR THE OPERATIONS OF THE NMI SOCIAL SECURITY ADMINISTRATION AND EDLF OF THE GOVERNMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1985 AND FOR OTHER PURPOSES."

Floor Leader Nakatsukasa: I move that we pass H.B. No. 264, First and Final Reading today.

Representative Gregorio C. Sablan: Mr. Speaker I move that we suspend Rule 9 Section 8.

Speaker Sablan: I think the suspended motion should come first Floor Leader. Is there any second to the motion offered by Representative Greg Sablan.

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Vice Speaker Tudela seconded the motion.

The motion to suspend Rule 9 Section 8 pertaining to H.B. No. 264, carried by voice vote.

Speaker Sablan: Floor Leader you are not in order to offer the final reading motion.

Floor Leader Nakatsukasa: So move.

Representative Benigno Sablan seconded the motion.

Speaker Sablan: Discussion.

Floor Leader Nakatsukasa: Since there is no comment, I move for the previous question.

Representative Gregorio C. Sablan and Hocog seconded the motion.

The Clerk called the roll for voting purposes on H.B. No. 264. The voting result, 7 voting yes and Representative Gregorio C. Sablan refrained from voting because of a conflict of interest. H.B. No. 264 hereby passes the House on its First and Final Reading.

Representative Gregorio C. Sablan: Mr. Speaker, currently the CNMI Law and the EDLF Policy said that because Jesus D. Sablan is a member of that board, I have a conflict of interest. I take reciprocal notice that I serve this House and if there is no objection from the members, I refrain from voting.

H.B. No. 269: "TO AMEND 1 CMC SECTIONS 2152, 2202 AND 3104 REGARDING THE QUALIFICATIONS FOR PUBLIC OFFICE THAT REQUIRE LEGAL TRAINING AND FOR OTHER PURPOSES."

Speaker Sablan: Before we proceed did we suspend the motion to place this on today's calendar for First and Final Reading.

Representative Gregorio C. Sablan: Oh yes.

Floor Leader Nakatsukasa: Mr. Speaker I move that we suspend Rule 9 Section 9, Rule 7 Section 8 and Rule 9 Section 8 in order that we can place this on today's calendar for First and Final Reading.

Representative Gregorio C. Sablan: I seconded Rule 9 Section 8 motion.

Representative Hocog seconded the motion of Representative Gregorio C. Sablan.

The motion to suspend Rule 9 Section 8 pertaining to H.B. No. 269, carried by voice vote.

Floor Leader Nakatsukasa: Mr. Speaker I move that we pass H.B. No. 269, First and Final Reading.

Representative Gregorio C. Sablan seconded the motion.

Speaker Sablan: Discussion.

Representative Gregorio C. Sablan: Ready for the question.

Floor Leader Nakatsukasa: The only question that we always underline and exercise is the English speaking accredited law school. Can I be enlighten if this will include Papua, New Guinea.

Representative Gregorio C. Sablan: Mr. Speaker yes it does include Papua, New Guinea. Yes, more specifically it includes the eligibility of a very good attorney serving in the CNMI who is restraint from further serving the CNMI.

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Speaker Sablan: You may continue Floor Leader, you still have the floor.

Representative Benigno Sablan: Ready.

Speaker Sablan: Does that satisfy your concern? If no further discussion, I will like to ask the Clerk to call the roll.

The Clerk called the roll for voting purposes on H.B. No. 269. The voting result, 7 voting yes. H.B. No. 269 hereby passes the House on its First and Final Reading.

Speaker Sablan: Canice can you please check Representative Guerrero.

Representative Gregorio C. Sablan: Can the attendance of Representative Guerrero be compel.

Representative Benigno Sablan: Can he be arrested?

Representative Gregorio C. Sablan: Can Senate candidate Juan T. Guerrero be compel.

Speaker Sablan: Can we pause for a moment and wait for Chairman Guerrero.

Representative Juan T. Guerrero: What is the vote Mr. Speaker?

Speaker Sablan: 7 voting yes.

Representative Juan T. Guerrero: My vote is yes.

Speaker Sablan: H.B. No. 269 passes the House on its First and Final Reading unanimously.

Representative Gregorio C. Sablan: Privilege, I move that the House adjourns subject to the call of the Chair.

Representative Juan T. Guerrero: Announcement.

Representative Gregorio C. Sablan: I have a privilege motion.

Speaker Sablan: The motion is undebatable.

Representative Juan T. Guerrero: Can we then suspend the agenda.

Speaker Sablan: That is not necessary, we can adjourn on any time.

Representative Juan T. Guerrero: I just want to remind the members of the scheduled public hearing this week.

Representative Gregorio C. Sablan: Mr. Speaker I have a motion on the floor.

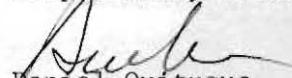
Speaker Sablan: Any second to the motion to adjourn.

Representative Hocog seconded the motion.

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

The House adjourned at 12:19 noon.

Respectfully Submitted,

  
 Daniel Quitugua  
 Chief Clerk

769  
HOUSE OF REPRESENTATIVES  
FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SEVENTH REGULAR SESSION, 1985

SESSION DAY

CALENDAR DAY

TIME

4th Day

Tuesday, August 13, 1985

10:00<sup>51</sup> A.M.

ORDER OF BUSINESS

1. Roll Call *Representatives 7, Cabrera, J. Cabrera, J. Almogara, J. Almogara Titil; P.R. Puerrero absent. 6 absent.*
2. Adoption of Journal - 1st., 2nd., 3rd. and 4th. Days Journals, Sixth Regular Session for adoption. *all journals adopted.*
3. Introduction of Bills #264; 266; 267; 268; 269  
*Local H.B. #3*
4. Introduction of Resolutions #154; 153
5. Messages from the Governor
  - 124: Informing the House that he has signed into law House Bill No. 259, entitled, "To extend the existence of the Second Constitutional Convention by Five Days, to amend Sect. 11(a) of P.L. 4-30." into P.L. 4-50
  - 125: Informing the House that he has signed into law House Bill No. 262, entitled, "To provide for a Post Constitutional Convention Committee which will coordinate analysis and public education of the amendments proposed to the Northern Mariana Islands Constitution by the Second Constitutional Convention." into P.L. 4-52
  - 126: Informing the House that he has signed into law House Bill No. 35, H.D.2, C.D.1, entitled, "Providing for the licensing of professional engineers, architects, land surveyors, and landscape architects; and for other purposes." into P.L. 4-53
  - 127: Informing the House that he has signed into law, in part, House Bill No. 254, S.D.1, J.D.1, "To identify \$3,100,000 to meet the financial needs of the power plant, hospital and Senate for the remainder of FY 1985, to transfer the resources to the general fund, to appropriate the resources, to identify CIP resources and appropriate \$540,000 for capital improvement projects in the Commonwealth, to restrict the use of the resources." into P.L. 4-54.
6. Departmental Communications
  - 24: *No comments*  
From Bill Lopp, Chief, Division of Environmental Quality, submitting the D.E.Q. FY 1985 quarterly report for April, May and June.
7. Senate Communications
  - 170: Returning House Bill No. 254, S.D.1, entitled, "A Bill for an Act to identify \$3,100,000 to meet the financial needs of the power plant, hospital and Senate for the remainder of FY 1985, to transfer the resources to the general fund, to appropriate the resources, to identify CIP resources and appropriate \$540,000 for capital improvement projects in the Commonwealth, to restrict the use of the resources.", which the Senate passed on Second and Final Reading, July 29, 1985, by the majority vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985. (This Bill has become P.L. 4-54.)
  - 171: Informing the House that the Senate at its First Day, Fourth Regular Session, 1985, on July 10, 1985, by the majority vote of the members, a quorum being present, accepted Conference Committee Report No. 4-10 and passed on Final Reading Senate Bill No. 4-30, H.D.1, C.D.4, relative to Shooting Galleries. (This Bill has become P.L. 4-51.)

- 172: Informing the House that the Senate at its Fourth Day, Fourth Regular Session, 1985, on July 29, 1985, by the majority vote of the members, a quorum being present, accepted Conference Committee Report No. 4-11 and passed on Final Reading House Bill No. 35, HD2, CD1, "A Bill for an Act providing for the licensing of professional engineers, architects, land surveyors, and landscape architects." (This Bill has become P.L. 4-53.)
- 173: Returning House Bill No. 262, entitled, "A Bill for an Act to provide for a Post Constitutional Convention Committee which will coordinate analysis and public education of the amendments proposed to the Northern Mariana Islands Constitution by the Second Constitutional Convention.", which the Senate passed on Second and Final Reading, July, 29, 1985, by the majority vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985. (This Bill has become P.L. 4-52.)
- 174: Returning House Bill No. 70, entitled, "A Bill for an Act to prohibit the tethering of cattle, goats, pigs or other livestock or domesticated animals within twenty (20) feet of either edge of any public highway, and to amend 9 CMC Section 5802.", which the Senate passed on Second and Final Reading, July 29, 1985, by the majority vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985.  
*ready for engrossment & to be transmitted to Gov.*
- 175: Transmitting Senate Bill No. 4-81, entitled, "A Bill for an Act to amend P.L. 3-91, the Commonwealth Auditing Act of 1983, and for other purposes.", which the Senate passed on Second and Final Reading, by the majority vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985. *referred to Apprs. Comm.*
- 176: Returning House Joint Resolution No. 39, entitled, "A House Joint Resolution requesting Mobil to lower the price of gasoline in the Northern Mariana Islands in conformance with the world-wide drop in oil prices.", which the Senate adopted by the unanimous vote of the members, a quorum being present, Fourth Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1985.  
*ready for engrossment & distribution*

#### 8. Petitions, Memorials and Communications

- 163: From Speaker Sablan, forwarding the Adopted ConCon Proposed Amendments.  
*advanced copies distributed earlier.*
- 164: From Honorable Robert A Hefner, Chief Judge, relative to House Resolution No. 148.  
*referred R+D for overnight hearing.*
- 165: From Herman T. Guerrero, President, Second Northern Marianas Constitutional Convention, transmitting Resolution No. 9, entitled, "Submitting to the Northern Marianas Commonwealth Legislature certain Delegate Proposals which are deemed appropriate legislative matters and requesting the Legislature to take action thereof." adopted on July 22, 1985.
- 166: From Speaker Sablan, relative to Governor Tenorio's letter dated July 31, 1985.
- 167: From G. Fong, Crown Solicitor for Solicitor-General, thanking Mr. Daniel Quitugua for the certified copy of House Resolution Nos. 139, 142, and 143.
- 168: From Herman T. Guerrero, President, Second Northern Marianas Constitutional Convention, transmitting a copy of Resolution No. 12, entitled, "Expressing appreciation to the Governor, the executive branch department heads, the President of the Senate and the Speaker of the House of Representatives for the support provided to the Convention." adopted by the Second Northern Marianas Constitutional Convention on July 22, 1985.

169: From Herman T. Guerrero, President, Second Northern Marianas Constitutional Convention, transmitting a copy of Resolution No. 1-85, C.D.1, entitled, "Extending the appreciation to the Pre-Convention Committee members, the staff of the Pre-Convention, Executive and Legislative Branches." adopted by unanimous vote of all delegates present, July 22, 1985.

170: From J.M Guerrero, Managing Director, MVB, submitting a copy of the Management report covering the months of June and July 1985.

171: From Honorable Robert A. Hefner, Chief Judge, submitting an amendment to the Probate Rules.

172: From Honorable Robert A. Hefner, Chief Judge, enclosing the amendments to the Civil and Criminal Procedure Rules.

173: From Honorable Robert A. Hefner, Chief Judge, enclosing a new proposed Judicial Fee Schedule and the present Judicial Fee Schedule.

174: From Brian W. McMahon, President NMI Bar Association, requesting on behalf of the Bar Association a reconsideration of House Bill No. 250.

175: From Herman T. Guerrero, President, Second Northern Marianas Constitutional Convention, enclosing the corrected versions of Proposed Constitutional Amendment No. 14 and Proposed Constitutional Amendment No. 22.

176: From Rex I. Palacios, Public Auditor, CNMI, submitting the Audit Report for the Economic Development Loan Fund.

177: From Jesus P. Mafnas, Personnel Officer, enclosing twenty (20) copies of the Personnel Service System Rules and Regulations.

*copies of handbook distributed earlier.*

#### 9. Reports of Standing Committees

4-104: Reporting on House Bill No. 241, entitled, "To amend P.L. 4-49, Commonwealth Development Authority."  
(Your Committee on R&D recommends adoption)

4-105: Reporting on House Bill No. 238, entitled, "To make possible the implementation of FHA and other federal mortgage insurance programs in the Commonwealth, to encourage the construction of improved residential housing, and for other purposes."  
*4-105;*  
(Your Committee on R&D recommends adoption)

4-107: Reporting on House Bill No. 245, Committee Substitute, entitled, "To increase the fee for licensing of poker machines, to amend 4 CMC, Section 1504,(a)(2), and to repeal and reenact 4 CMC, Section 1803, and for other purposes."  
(Your Committee on APP. recommends adoption)

4-108: Reporting on House Bill No. 233, Committee Substitute, entitled, "To automatically appropriate for deficit reduction all deobligated and lapsed funds after the end of the fiscal year in which they were appropriated and to add a new Section 7606 to 1 CMC, Division 7."  
(Your Committee on APP. recommends adoption)

4-109: Reporting on House Bill No. 216, entitled, "To establish a comprehensive corporations act, to legislate the amount of fees for incorporation and for filing of documents with the Registrar of Corporations, and to repeal 4 CMC Sections 4103, 4104, 4105, 4106, to repeal and reenact 4 CMC Sections 4102, 4201, 4202, 4203,

*referred to J.G.O.*

10. Reports of Special and Conference Committee

11. Unfinished Business

12. Resolution Calendar

H.R. # 154

cesses 11:20 A.M.

Reconvene 11:30 A.M.

13. Bill Calendar

First Reading

H.B. No. 241 "To amend P.L. 4-49, Commonwealth Development Authority."  
(S.C.R. No. 4-104) *Passed 1st Reading*

H.B. No. 238 "Home Mortgage Insurance Implementation Act of 1985."  
(S.C.R. No. 4-105) *Passed 1st Reading & referred at same time to comm. & original jurisdiction for further review for the 2nd reading*

H.B. No. 245, Comm. Subs. "Poker Machine Revenue Act of 1985."  
(S.C.R. No. 4-107) *Passed 1st reading*

H.B. No. 233, Comm. Subs. "NMI Deficit Reduction Act of 1985."  
(S.C.R. No. 4-108) *1st & final reading - Passed (9 voting yes).*

H.B. No. 216, H.D.1 "The Corporations Act of 1985."  
(S.C.R. No. 4-109) *Passed 1st reading & to be scheduled for the subsequent session after the session to be scheduled next.*

*H.B. # 264 (Sec 106)  
H.B. # 269*

*→ Passed 1st & final reading (9 voting yes; 1 conflict of interest)  
→ Passed 1st & final reading (8 yes).*

14. Miscellaneous Business

15. Announcements

*Adjournment: 12:10 noon*

4TH DAY, SEVENTH REGULAR SESSION, 1985

Tuesday, August 13, 1985

Speaker: This is the 4th Day of our Seventh Regular Session. Let us all rise for a moment of silent prayer. Roll call.

The Clerk called the roll. Nine members were present. Representatives F. Cabrera, J. Cabrera, I. Demapan, J. Demapan, Fitial and P.R. Guerrero were absent.

Speaker: Rept. P.R. Guerrero requested to be excuse from today's session. The quorum is duly constituted for today's session.

Juan Pan: Mr. Speaker, privilege. The request for absent is it in writing?

Speaker: He called and told me verbally Congressman.

Juan Pan: If there is no objection from the members, in the April 23rd and April 24th, I will like to request the Speaker to make corrections that Rept. Gregorio C. Sablan and Rept. Juan T. Guerrero were on official business. That was an instruction from you Mr. Speaker to be off-island, to be in Washington, D.C., to appear before Congress on behalf of the House of Rept.

Kilili: I also ask to be excuse Mr. Speaker because every time I am absent from this chamber it is because I am on an official business.

Juan Pan: May 2nd too Mr. Speaker.

Speaker: Let the subsequent journal reflect that Representatives Greg C. Sablan and John T. Guerrero were on official business on these days.

#### ADOPTION OF JOURNALS

Floor Leader: Mr. Speaker I move for the adoption of the 1st, 2nd, 3rd, and 4th Days Journals, Sixth Regular Session.

Juan Pan seconded the motion.

Speaker: Comments.

Floor Leader: There are some minor typographical and grammatical errors. I will like to request the Clerk to make the correction.

Speaker: Can you be more specific Floor Leader.

Kilili: He has two hours to make those corrects. If it will take more than two hours I am objecting because they might change the whole journal and we will not know.

Floor Leader: I think the House Clerk can read this thoroughly and spot the errors. If you can authorize him to make the corrections like the words that are misspelled.

Speaker: I think our House Rule authorizes the Clerk to make such corrections. Ready for the question?

Juan Pan: Ready.

The motion to adopt the 1st, 2nd, 3rd, and 4th Days Journals, Sixth regular Session, carried by voice vote.

H.B. No. 264: "A BILL FOR AN ACT TO MAKE APPROPRIATIONS FOR THE OPERATIONS OF THE NMI SOCIAL SECURITY ADMINISTRATION AND EDLF OF THE GOVERNMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1985 AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero

Juan Pan: I will like to ask the Chair to place this on today's calendar, if there is no objection from the members. Point of clarification, the Northern Marianas Social Security and the EDLF are now operating without appropriation. So I am asking the Chair and the members to consider this on today's session.

Speaker: For the information of the members, the bill just introduced has the committee report attached to it, Committee Report No. 106. May I ask all the members to insert Committee Report No. 106 between 105 and 107 please of our Reports of Standing Committees, second page, line 9 of our agenda. Also to insert

on the calendar for First Reading, the last page of our agenda, H.B. No. 264.

H.B. No. 266: "A BILL FOR AN ACT TO AUTHORIZE \$20,000 TO THE ARTS COUNCIL FOR DESIGN AND CONSTRUCTION OF A TAGA AND LATTE STONE SCULPTURE."

Introduced by: Pedro T. Nakatsukasa and two others

Assigned to : Appro. Comm.

H.B. No. 267: "A BILL FOR AN ACT TO CREATE A CIVILIAN VOLUNTEER POLICE RESERVE, AND TO AMEND 3 CMC, DIVISION 5 TO ADD A NEW CHAPTER 5 FOR THIS PURPOSE."

Introduced by: Pedro T. Nakatsukasa and Torres

Assigned to : J.G.O. Comm.

H.B. No. 268: "A BILL FOR AN ACT TO AUTHORIZE THE GOVERNOR TO EXECUTE AN AGREEMENT TO INCUR PUBLIC DEBT TO INSTALL A SEWER MAIN LINE FROM THE HOTEL NIKKO SOUTH THROUGH THE VILLAGES OF SAN ROQUE AND TANAPAG AND FOR OTHER PURPOSES."

Introduced by: Benigno Sablan and three others

Benigno Sablan: Mr. Speaker for the next session, the committee report is ready.

H.B. No. 269: " A BILL FOR AN ACT TO AMEND 1 CMC SECTIONS 2152, 2202 and 3104 REGARDING THE QUALIFICATIONS FOR PUBLIC OFFICE THAT REQUIRE LEGAL TRAINING AND FOR OTHER PURPOSES."

Introduced by: Gregorio C. Sablan

Kilili: Copies are being made, I ask that if there is no objection from the members, I yield to my Floor Leader and ask him to suspend the applicable rule to place the bill on today's session.

Floor Leader: No objection Mr. Speaker. Upon his request, I move that we suspend Rule 9 Section 9, Rule 7 Section 8(a) and Rule 9 Section 8.

Hocog seconded the motion.

The motion to suspend Rule 9 Section 9, Rule 7 Section 8(a) and Rule 9 Section 8, pertaining to H.B. No. 269, carried by voice vote.

Juan Pan: Mr. Speaker I have a Local House Bill, can I introduce this now?

Speaker: Yes.

L.H.B. No. 3: " A BILL FOR AN ACT TO REPEAL TITLE 6 OF THE SAIPAN MUNICIPAL CODE, TO REGULATE CERTAIN GAMBLING, AND FOR OTHER PURPOSES."

Introduced by: Juan T. Guerrero and Pedro T. Nakatsukasa

Juan Pan: I will like to request that this bill be refer to the proper committee for public hearing.

Kilili: Has the Mayor given his thirty days notice?

Speaker: I will like to request the Clerk to immediately notify the Mayor. He is required for his comments.

Kilili: Mr. Speaker I just discovered the other day that we need a Saipan Delegation. I will further comment on the same subject under Miscellaneous.

Floor Leader: I will like to request that the House Clerk to inform the San Antonio District regarding this local bill.

Juan Pan: On the local bill Mr. Speaker we are basically repealing and reenacting sections. With the opinion of the House Counsel we do not require any input from the Mayor.

#### INTRODUCTION OF RESOLUTIONS

H.R. No. 154: "A HOUSE RESOLUTION APPROVING OF THE REAPPOINTMENT OF THE HONORABLE ROBERT A. HEFNER TO A SECOND TERM AS CHIEF JUDGE OF THE COMMONWEALTH TRIAL COURT AND RECOMMENDING HIS CONFIRMATION TO THE HONORABLE MEMBERS OF THE SENATE."

Introduced by: Pedro T. Nakatsukasa and seven others

Kilili: Mr. Speaker question. Is Cong. Nakatsukasa a member of the Bar?

Floor Leader: No. Also, I will like to request the Chair to place this resolution on today's calendar because the confirmation is just a matter of time. I move to suspend Rule 7 Section 8 and Rule 9 Section 8 in order that we can place this resolution on today's calendar.

Benigno Sablan seconded the motion.

Kilili: No objection.

The motion to suspend Rule 7 Section 8 and Rule 9 Section 8, pertaining to H.R. No. 154, carried by voice vote.

MESSAGES FROM THE GOVERNOR

Kilili: Mr. Speaker I will like to request the Chair to refrain the Clerk from reading the messages, also items 5, 6, 7 and 8 of our Order of Business.

Speaker: Is there any objection from the members, if none, the Clerk will refrain from reading the communications.

124:

125:

126:

127:

Floor Leader: Mr. Speaker if there is no objection I will like to ask the Speaker if we can go back to Introduction of Resolutions. I just found out that I have one more resolution to introduce.

H.B. No. 153: "A HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ISSUE A POLICY PROHIBITING ANY EMPLOYEES, DEPARTMENT REPRESENTATIVES OR OTHER DESIGNEES TO TRAVEL TO FOREIGN COUNTRIES FOR THE PURPOSE OF RECRUITING EMPLOYEES EXCEPT THE PERSONNEL OFFICE."

Introduced by: Pedro T. Nakatsukasa

Juan Pan: Mr. Speaker I will like to comment on the introduced resolution that it be refer to the proper committee. At this point in time I have reservation to endorse such resolution for reason that the Personnel Officer in my opinion might not be the right person to interview applicants for positions that requires technical, like the Public Auditor, this requires a public auditor to interview the applicants. For the Attorney General's position, the Attorney General should interview the respective applicant. Reason is that they know the operation of their departments, but in particular this will only refer to off-island, outside of the U.S. Territory, therefore the appropriate example here is the Public Auditor, I do not think that there is anybody at the Personnel Office is qualified to interview applicants or hire an applicant on behave of the Public Auditor.

Speaker: The resolution will be refer to the committee. Any comments from any of the members on the Messages from the Governor.

Juan Pan: Yes, Mr. Speaker, Communication No. 127, as you know the Senate hearing date for the TRO has been extended to August 15th and I think Section 3 of the bill is in question. I believe the committee should look into the legal problem that might exist on that so that in the event that the TRO is file permanently and the justice is given to MPLC, that we come up with the language to clarify or allow the Governor, otherwise it will create a taphole on H.B. No. 254.

Speaker: In relation to that there is an item veto of the bill and I will also like to refer this back to the appropriate committee which is the Appro. Comm., to review the vetoed message and also to follow up on the TRO set for August.

DEPARTMENTAL COMMUNICATIONS

24:

Speaker: Any comments?

SENATE COMMUNICATIONS

170:

Speaker: Senate Comm. No. 170 became P.L. No. 4-54.

171:

172:

173:

174:

Kilili: Mr. Speaker has 174 been transmitted?

Speaker: Yes, it is in the process of being transmitted. It is not being engross and should be ready by today for transmittal.

175:

Juan Pan: Mr. Speaker I will like to request the Chair that Senate Communication No. 175 be refer to the appropriate committee.

Speaker: Yes, in fact I have that note in my calendar. The said communication will be refer to the Appro. Comm. Is that the appropriate committee?

Juan Pan: Yes Mr. Speaker.

176:

Speaker: I will like to go over the communications. 172 because P.L. No. 4-53, in reference to Governor's Communication No. 126. Communication No. 173 because P.L. 4-52, Governor's Communication No. 125. 174 is ready for engrossment and transmittal to the Governor. 175 is referred to the Appro. Comm.. 176 is ready for engrossment and distribution. Any other comments?

PETITIONS, MEMORIALS AND COMMUNICATIONS

163:

Speaker: Communication No. 163, I provided an advance copies to all the members in my memo of July 30th, for an advance review. You do not have this on your package today.

164:

Speaker: 164, I will like to refer this to the R & D Comm. for an oversight hearing.

Benigno Sablan: Mr. Speaker I have taken the initiative to write to the Dept. of Commerce and Labor to provide us with their statistical records of their case numbers and time periods, and so forth. That letter should be sign today and will be given to all members.

Speaker: Is the J.G.O. taking the lead on this?

Benigno Sablan: We are coordinating with R & D, I am taking the lead this morning because the Chairman of R & D is not here.

Speaker: Okay.

165:

Speaker: 165, this is the miscellaneous Con Con proposal that the Con Con Delegates feel to be legislative matters and have not heard during their deliberation. They are forwarding to us for possible action or introduction for legislative action. It is up to all the members to review any of these proposals and if you feel that you can act upon some of the proposals, you may do so.

Benigno Sablan: Does this need two-third votes?

Speaker: No, this is the miscellaneous Con Con proposals that have not been acted.

Juan Pan: Some of them are nonsense.

Speaker: Some of them are already in the process of being introduced.

Juan Pan: In fact Mr. Speaker some of them were extracted out of House Bills.

Kilili: Shall we move on?

166:

167:

168:

169:

170:

171:

172:

173:

174:

Speaker: Communication Nos. 171, 172 and 173, I am referring these to the J.G.O. Committee for their review.

174:

Speaker: 174 is also to be refer to the J.C.O. Comm.

175:

Speaker: 175, I will like the members to take note of the corrected copies of the official adopted Con Con proposals.

176:

Speaker: 176 is referred to the Appro. Comm.

177:

Speaker: 177, copies of the handbook were distributed earlier.

#### REPORTS OF STANDING COMMITTEES

4-104:

4-105:

4-106:

4-107:

4-108:

4-109:

#### REPORTS OF SPECIAL AND CONFERENCE COMMITTEE

None

#### UNFINISHED BUSINESS

None

#### RESOLUTION CALENDAR

H.R. No. 154:

Speaker: Let us have a short recess so that copies can be distributed.

The House recessed at 11:20 a.m..

The House reconvened at 11:30 a.m..

Speaker: The session shall now reconvene. Prior to recess we are on the Resolution Calendar.

Floor Leader: Mr. Speaker I move for the adoption of H.R. No. 154.

Juan Pan seconded the motion.

Kilili: Ready for the question.

Floor Leader: Mr. Speaker if there is no objection from the members I would request that the entire members of this august body sign the resolution.

Juan Pan: I will like to request that my name will not be included because the Honorable Hefner is questionable in some of his doings in receiving allowance for housing and so forth that the Comm. in Appro. find this irrelevant to his employment in the CNMI.

Kilili: Mr. Speaker I have no objection to being one of the sponsor of the resolution. Mr. Speaker how can all the members be sponsors if they are not present in today's session. Only those present can be sponsors.

Speaker: It should be limited only to the members present on today's session. Those that have objected will not be included in the resolution.

Kilili: Ready.

The motion to adopt H.R. No. 154, carried by voice vote. H.R. No. 154 is hereby adopted by the House.

Speaker: Any other resolution on the calendar?

Clerk: None Mr. Speaker.

BILL CALENDAR

First Reading

H.B. No. 241:

Floor Leader: I move that we pass H.B. No. 241, First Reading.

Hocog seconded the motion.

Speaker: Discussion.

Kilili: Ready.

The motion to pass H.B. No. 241, First Reading, carried by voice vote.

H.B. No. 238:

Floor Leader: I move for the passage of H.B. No. 238, First Reading.

Kilili: Mr. Speaker if there is no objection I move that we suspend Rule 9 Section 9 so that we can pass H.B. No. 238 on its First and Final Reading.

Juan Pan: Mr. Speaker I have gross objection.

Speaker: Can we entertain the motion and then . . . .

Juan Pan: Mr. Speaker it has been moved and nobody seconded the motion, at this point in time the bill is still . . . .

Hocog: I second the motion Mr. Speaker.

Juan Pan: Now I will like to debate the bill Mr. Speaker.

Kilili: Mr. Speaker I move that we suspend Rule 9 Section 9 and that the Speaker prioritize the motion before the floor pursuant to House Rule, H.R. No. 63.

Speaker: Yes.

Juan Pan: Point of order Mr. Speaker before you do that, we are giving a full faith and credit and I believe in giving that authority and more power to the bill that we give more than two-third vote.

Speaker: Can we get an understanding to pass this bill on First Reading.

Kilili: Can the Chair get his motion in order.

Speaker: The motion you offered is to suspend Rule 9 so that the bill will be allow for passage on Final Reading.

Kilili: Yes and we are ready.

Speaker: Any second to the motion.

Vice Speaker seconded the motion.

The motion to suspend Rule 9 Section 8 pertaining to H.B. No. 238, theread was a division of the votes and was not carried by voice vote.

Kilili: Division Mr. Speaker.

Speaker: There is a question on the votes. I will like to ask those in favor of the motion to please raise up their right hands. Now those oppose, do likewise. Once again, those in favor of the motion please raise up your hands.

Kilili: Can you reinstate the motion again Mr. Speaker.

Speaker: The motion is to suspend Rule 9 Section 8 to consider H.B. No. 238 on its First and Final Reading. Once again those in favor please raise your right hands. Those that oppose please do likewise. It is a tie vote, therefore the motion is . . . .

Kilili: Mr. Speaker this House has maintain to take precedence in consideration of motion on the floor, the vote is tie, and I refer Mr. Speaker to reflect this on today's journal, Monday, April 8, 1985 session. I hope the floor is consistent. I hope the Chair is consistent. Be consistent because it affects something that is already a public law. Be consistent.

Speaker: The bill goes back now to First Reading, that is the ruling of the Chair now.

Kilili: Okay, I hope that that is being recorded because I intend to take the public law into court because it is legally passed by the House after . . . .

Speaker: That was referred back to the committee.

Kilili: That was the motion. There was a vote taken according to the Journal, on the session of April 8, 1985.

Speaker: We are still on First Reading discussion.

Kilili: I move that we pass on First Reading H.B. No. 238.

Vice Speaker seconded the motion.

Speaker: Discussion.

Juan Pan: The gross objection I have at this point in time Mr. Speaker is on page 6, from line 6 to line 12. I will like to get a clear interpretation as to the underlined provisions, specifically, the additional amendment to this section. I find it hard at this point in time Mr. Speaker that we do not specify the amount. At this point in time MIHA has in their jurisdiction \$8 million that qualifies this section. Mr. Speaker and fellow members, if we put a lenient to that full faith and credit \$5 million, I can see the objection here, but if we don't specify the amount to be up to \$8 million plus interest, does the CNMI have that power? Or do we have the resources to repay this. Mr. Speaker and fellow members, if I can be assure what it says here, case by cases, and the amount are less than \$100,000 per case and it is not the \$8 million that MIHA have quoted and won't be utilizing private individuals for purposes of developing low income housing and so forth, then I will endorse the bill as it is because I believe that there is part of the bill that is essential to the livelihood of the CNMI, but this particular provision is so broad that the failure of MIHA can cause the bankruptcy of the government. So I urge our members that we consider this on First Reading and that we get a legal interpretation of this provision in writing, and only in lesser amount. Thank you Mr. Speaker.

Torres: I just talked to the legal counsel Mr. Speaker and his interpretation on this ~~issue~~ provision is only in the amount in default, therefore, Cong. Guerrero's concern who should be carry the burden of the allege \$8 million has no bearing on this provision.

Juan Pan: It does.

Torres: I cannot perceive that happening.

Speaker: That provision is only limited to the . . . .

Torres: The amount in default.

Juan Pan: Yes, but are you aware that MIHA has solicited big on the \$8 million, that will qualify under this. Some of them are individual from Tinian requesting for \$15 million to put up 700 housing units, when they only have, I think 75 households. Let us get our figures down. Let us have a specific language so that we do not jeopardize the integrity on the full faith and credit of the CNMI.

Torres: Rather than continuing argument on this, why don't we call the legal counsel to explain this. My understanding on this section is that for instance a borrower is in a loophole, that is the only amount that the CNMI Government will be in the hole. That full faith and credit for that particular amount in default, not the entire bonding issue, that does not have any bearing.

Juan Pan: But they have to loan out the \$8 million.

Kilili: Mr. Speaker, Rept. Torres still have the floor right?

Speaker: Yes. Rept. Torres will you yield.

Torres: Okay.

Kilili: Mr. Speakeer the original intend of H.B. No. 238 as introduced is very short, sweet. Sure there is a memorandum of understanding between the farmers of FHA and MIHA for one project and that is the \$8 million. One project. If we consider H.B. No. 238 as introduced, the original bill, it means that we are passing legislation that meets the criteria on federal regulations for future projects find in the Northern Marianas, not only for that one project right now, but I will now agree with Rept. Guerrero that the inclusion of line 9 will more specifically and with the possibility on Section 5 of the bill, the purpose of H.B. No. 238 will change dramatically. The bill is a request from our Resident Rept to the U.S.. He has a detail information available to give to his contacts with FHA. His intend are good, it is just to make regulations, CNMI law, for CNMI to meet standards or criteria, but now with this Mr. Speaker . . . . Another information I ask that I have not been able to gather documents right now, I have a first hand information that at this point in time even the projects up at the area of As Honno, the homes are being live in, people are residing in the homes and Farmers Homes have not come true. MIHA essentially puts people in homes because it has to present a public image and that is providing homes. This is in contradiction of the arrangement between the Federal Government and the CNMI Government.

Benigno Sablan: Ready Mr. Speaker.

Kilili: Mr. Speaker, I ask that this bill be refer to the original jurisdiction for further study.

Benigno Sablan seconded the motion.

Speaker: Can you get together and correct this for the Second Reading. I will like to point out for the information of the members that the changes reflected in this bill is a result of the final input of our Washington Rept. that we just received recently. The most recent changes that he will like to see incorporated in the bill and one of this includes this . . . .

Kilili: I understand that Mr. Speaker but it changes dramatically H.B. No. 238. Now the Federal Government can come in and own property in the Northern Marianas. They can take over the homes. Do we want that.

Speaker: Only if they default.

Kilili: Mr. Speaker I just mentioned that right now MIHA has put people in homes without those people meeting the approval of FHA. That is because MIHA wants to present an image. MIHA has consistently Mr. Speaker, consistently, wants to do irrespective of the intend of the Government officials in the Northern Mariana Islands. Do we continue this crab? Has been consistent in that point. They are treating this legislature like student council members. It has gone out there and contracted and even offered the contractors tax exemptions for contracts. Now what the hell you and I think we are.

Speaker: I understand the point.

Juan Pan: Mr. Speaker for the last time before we . . . .

Kilili: Out of order.

Floor Leader: Mr. Speaker I intend to agree that we refer this bill back to the committee of original jurisdiction. On page 6 as I analyze this or digest the bill . . . .

Speaker: Yes First Reading will allow you Floor Leader to do just that.

Kilili: Let the Floor Leader speak Mr. Speaker.

Floor Leader: I have been listening to a lot of speakers and if we are to take responsibility on the full faith and credit, if this is very bad to the Commonwealth, we cannot in no way authorize the Government of the Commonwealth to take responsibility over MIHA. I do not know how the other members feel about this, but we cannot hold responsibility for one making mistakes when we know that this bill is somehow defective in language. For this reason Mr. Speaker I move that we refer this back to the committee of original jurisdiction.

Kilili: Have it pass on First Reading and have it refer back to the committee until the concerns are reviewed by the committee, for the Second and Final Reading.

Juan Pan: Before we do that, this one last time Mr. Speaker. Again, your committee finally finds that the usury ceiling established by the Northern Marianas Commonwealth Law will be preempted by the Federal Law. Again Mr. Speaker if we are going to preempt or remove that section, I suggest we remove it entirely and we should not give special preference regardless of government affiliation. It is a bad practice that we should start creating or preempting our present law just so that we qualify.

Speaker: Can the Floor Leader modify the motion a little bit so that we can get an understanding. Mr. Speaker I move that we pass this bill, H.B. No. 238, First Reading.

Kilili: And refer it back to the committee of the original jurisdiction for further review and report back to the House on our next session.

Benigno Sablan seconded the motion.

The motion to pass H.B. No. 238, First Reading, and to refer it back to the committee of original jurisdiction for further review and to report H.B. No. 238 on the next House session, carried by voice vote.

H.B. No. 245:

Floor Leader: I move that we pass this on First Reading today.

Juan Pan seconded the motion.

Speaker: Discussion.

Juan Pan: Just so that we can clarify the intent of the bill, the intent of the bill is basically earmarked in the resources to be collected on the poker fees for human resources development, specifically the Job Training Partnership Act, Youth Summer Job, Catholic Social Service and the Commonwealth Retirement Program. I believe when they created the Commonwealth Retirement Program the intend was that it is also to be funded from the casino gambling. This bill is not a casino gambling. The bill itself restricts the number of poker machines in the CNMI. It deals in three time sequence or period that needs to be asses for the license, from \$3,000 to \$4,000 from 1989 to 1991, 1992, and there after \$5,000. I like to share with my colleagues that nothing in this fee will go to any other purposes, except those identified under the bill.

Kilili: Mr. Speaker I have objections to parts of the bill. I find that Section 2(a) of the bill is inclusive and that the legislature has no business making speculations and I quote specifically "poker machines may have a detrimental effect on the community." There is absolutely no conclusive study that poker machines or any form of gambling has any detrimental effect on any part of our community. We are all speculating and I am not as a member of this legislature who has sworn oath in office, making speculations and work based on speculations. I have better things to do than that. I will on consideration of the Second Reading ask that this section be stricken out. I am not a speculator, I am a legislator. Mr. Speaker we cannot find something base on speculations. It is not a known fact.

Benigno Sablan: From the very beginning Mr. Speaker I'm oppose to poker machines generating revenue for the purposes that are put in the bill. I do not believe that this type of revenue will put good to the people, this is purely gambling. I will continue to oppose the bill because I think we all know that the people in the CNMI have spoken in 1977 that there will be no gambling in the CNMI. I will continue to uphold that plebiscite or referendum as long as I am in this legislature. I think we should put in good, clean money, maybe coming from various government in the United States funding and all that.

Kilili: From begging.

Benigno Sablan: From begging or wherever. I think that the very essence of our existence here and the fourth branch of government is religion that opposes tremendously on the proceeds from unclean type of businesses. That is of course open for debate.

Floor Leader: Mr. Speaker we should put in mind that when God created this earth, the form of gambling was already here. Even if you play with the hairpin game that is a form of gambling. At any rate, how can we define public demand I will like to ask my colleague how do we interpret Section 8.

Speaker: You may respond Chairman Guerrero.

Juan Pan: Like I said Mr. Speaker, the intend of the bill would restrict to 250, yes if there is a public out cry from the public that the poker machines should be increase, let us say under the present 250 machines that are in Saipan, and Tinian and Rota decide that they want poker machines, that will constitute a public out cry. First of all, no machines shall be in operation without first paying out front the fees of \$3,000. For those businesses in Rota and Tinian that requires their machines, they have to pay up front. That will constitute the number by request that will show that they need those poker machines. I do not anticipate that the number will go up because as it is right now there are only 225 machines and that number might go down because of the increase of the fee structure.

Floor Leader: On Section 8(c) . . . .

Juan Pan: Okay, if the machine is in operation and for some reason the computer chips went bananas, the owner of the machine can come in and on the same spot put a replacement to transfer the license so that machine is replace. If that old machine is repaired then the original machine will stand. There is no indication that you can take that license to another location, no.

Floor Leader: The logic behind this, suppose the premises is not making good business and . . . .

Juan Pan: That is not the problem of the legislature. The legislature is only requesting that in one specific location, if that machine is licensed for that business, we are anticipating that they have make market analysis and that they have conducted a survey to indicate that when they play that machine in that location that they would have made money. The way the bill is written now, the bill would restrict the Director of Finance from allowing operators from paying parcel payment from a month to month basis. It is very specific, the intent of the bill spells it out. You cannot buy a license for the Mom & Pop Store in San Vicente and take that machine with the license to put it at Angel's Club or down in any Mom & Pop Store in San Antonio.

Floor Leader: Mr. Speaker I remember vividly that the President of the Community College expressed the need of the vocational education for the Commonwealth. I do not know how the other members feel but can we include that in this bill . . . .

Juan Pan: Mr. Speaker there is a pending bill at the Senate, the alien fee and that money is earmarked specifically for the vocational program.

Kilili: Mr. Speaker the bill has good intent. The resources is to deposited into an activity that addresses the development of our people. I ask the Chairman if he will consider and I think he did introduced in today's session, in a separate bill that provides the same consideration for other gambling activity in the Northern Marianas. We should take all those revenues and put them into some kind of development for our people.

Juan Pan: Yes Mr. Speaker on today's session introduced Local House Bill No. 3. Again, on the same consideration the reservation of fees and taxes collected under this which is the cockfight, the bato and the bingo,

specifically. I am kind of confuse, under the present language now it sort of franchise the activity of the cockfight, bingo and bato, yet the Office of the Attorney General have allowed the Filipino to fundraise doing bingo. That is restricted under the Municipal Code. There should be one license issue and that license has been already issued. This local law now emphasizes, it puts more teeth to control the law, and to be strict because the intention is very specific. The wordings are very specific.

Kilili: Ready for the question Mr. Speaker.

Benigno Sablan: Roll call.

Speaker: There is a request for roll call, so will the Clerk please call the call

Floor Leader: Mr. Speaker this is First Reading only.

Benigno Sablan: Roll call Mr. Speaker.

Speaker: We can vote by voice vote.

Benigno Sablan: I am requesting for roll call.

Kilili: I am objecting Mr. Speaker.

Speaker: For First Reading the Chair will rule that we will voice by voice vote.

The motion to pass H.B. No. 245, First Reading, carried by voice vote.

H.B. No. 233:

Floor Leader: I move that we pass on First Reading H.B. No. 233, Comm. Subs.

Juan Pan seconded the motion.

Kilili: Ready for the question.

Speaker: Is this a committee substitute?

Kilili: Yes.

Juan Pan: Mr. Speaker I will like to request the Floor Leader to amend his motion to pass this on First and Final Reading. It is non-controversial.

Kilili: If there is no objection I ask that we suspend Rule 9 Section 8 so that we can consider this on its First and Final Reading.

Floor Leader: So move Mr. Speaker.

There were several second to the motion.

The motion to suspend Rule 9 Section 8 pertaining to H.B. No. 233, carried by voice vote.

Floor Leader: Mr. Speaker I move that we pass H.B. No. 233, Comm. Subs., on its First and Final Reading.

There were several second to the motion.

Kilili: Ready for the question.

Speaker: If there is no comments or discussion, Clerk call the roll please.

The Clerk called the roll for voting purposes on H.B. No. 233. The voting result, nine voting yes. H.B. No. 233, Comm. Subs., hereby passes the House on its First and Final Reading.

H.B. No. 216:

Floor Leader: Motion, I move that we pass H.B. No. 216, H.D. 1, First Reading.

Vice Speaker seconded the motion.

Kilili: Mr. Speaker and I ask that we consider the subject bill on the session after next.

Speaker: Not the next session.

Kilili: No.

Speaker: Any more discussion.

Juan Pan: Ready.

Kilili: Ready Mr. Speaker.

The motion to pass H.B. No. 216, H.D.1, First Reading, carried by voice vote.

H.B. No. 264:

Floor Leader: I move that we pass H.B. No. 264, First and Final Reading today.

Kilili: Mr. Speaker I move that we suspend Rule 9 Section 8.

Speaker: I think the suspended motion should come first Floor Leader. Is there any second to the motion offered by Rept. Greg Sablan.

Vice Speaker seconded the motion.

The motion to suspend Rule 9 Section 8 pertaining to H.B. No. 264, carried by voice vote.

Speaker: Floor Leader you are not in order to offer the final reading motion.

Floor Leader: So move.

Benigno Sablan seconded the motion.

Speaker: Discussion.

Floor Leader: Since there is no comment, I move for the previous question.

Kilili and Hocog seconded the motion.

The Clerk called the roll for voting purposes on H.B. No. 264. The voting result, 7 voting yes and Rept. Gregorio C. Sablan refrain from voting because of a conflict of interest. H.B. No. 264 hereby passes the House on its First and Final Reading.

Kilili: Mr. Speaker, currently the CNMI Law and the EDLF Policy said that because Jesus D. Sablan is a member of that board, I have a conflict of interest. I take reciprocal notice that I serve this House and if there is no objection from the members, I refrain from voting.

H.B. No. 269:

Speaker: Before we proceed did we suspend the motion to place this on today's calendar for First and Final Reading.

Kilili: Oh yes.

Floor Leader: Mr. Speaker I move that we suspend Rule 9 Section 9, Rule 7 Section 8 and Rule 9 Section 8 in order that we can place this on today's calendar for First and Final Reading.

Kilili: I second Rule 9 Section 8.

Hocog seconded the motion of Rept. Gregorio C. Sablan.

The motion to suspend Rule 9 Section 8 pertaining to H.B. No. 269, carried by voice vote.

Floor Leader: Mr. Speaker I move that we pass H.B. No. 269, First and Final Reading.

Kilili seconded the motion.

Speaker: Discussion.

Kilili: Ready for the question.

Floor Leader: The only question that we always underline and exercise is the English speaking accredited law school. Can I be enlighten if this will include Papua, New Guinea.

Kilili: Mr. Speaker yes it does include Papua, New Guinea. Yes, more specifically it includes the eligibility of a very good attorney serving in the CNMI who is restraint from further serving the CNMI.

Speaker: You may continue Floor Leader, you still have the floor.

Benigno Sablan: Ready.

Speaker: Does that satisfy your concern? If no further discussion, I will like to ask the Clerk to call the roll.

The Clerk called the roll for voting purposes on H.B. No. 269. The voting result, 7 voting yes. H.B. No. 269 hereby passes the House on its First and Final Reading.

Speaker: Canice can you please check Rept. Guerrero.

Kilili: Can the attendance of Rept. Guerrero be compel.

Benigno Sablan: Can he be arrested.

Kilili: Can Senate candidate Juan T. Guerrero be compel.

Speaker: Can we pause for a moment and wait for Chairman Guerrero.

Juan Pan: What is the vote Mr. Speaker?

Speaker: 7 voting yes.

Juan Pan: My vote is yes.

Speaker: H.B. No. 269 passes the House on its First and Final Reading unanimously.

Kilili: Privilege, I move that the House adjourns subject to the call of the Chair.

Juan Pan: Announcement.

Kilili: I have a privilege motion.

Speaker: The motion is indebatable.

Juan Pan: Can we then suspend the agenda.

Speaker: That is not necessary, we can adjourn on any time.

Juan Pan: I just want to remind the members of the scheduled public hearing this week.

Kilili: Mr. Speaker I have a motion on the floor.

Speaker: Any second to the motion to adjourn.

Hocog seconded the motion.

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

The House adjourned at 12:19 noon.