



# House Journal

## FIRST REGULAR SESSION, 2004

Fourteenth Day

March 29, 2004

The House of Representatives of the Fourteenth Northern Marianas Commonwealth Legislature convened in its **Fourteenth Day, First Regular Session**, on **Monday, March 29, 2004**, at **10:25 a.m.**, in the House Chamber, Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Benigno R. Fitial, Speaker of the House, presided.

A moment of silence was observed.

The Clerk called the roll. Sixteen members were recorded present; Representatives David M. Apatang and Arnold I. Palacios were absent.

Speaker Fitial: A quorum is present for this morning's session. Representatives David M. Apatang and Arnold I. Palacios are excused.

### ADOPTION OF JOURNALS

None

### PREFILED AND INTRODUCTION OF BILLS

H. L. B. NO. 14-15: A LOCAL APPROPRIATION BILL FOR AN ACT TO APPROPRIATE \$40,000 FROM THE DEVELOPER TAX FUND; AND FOR OTHER PURPOSES.

Offered by: Rep. Jesus T. Attao and several others

H. L. I. NO. 14-3: A HOUSE LEGISLATIVE INITIATIVE TO AMEND SECTION 5 OF ARTICLE II OF THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS BY ADDING A NEW SUBSECTION (E) LIMIT LEGISLATIVE AUTHORITY IN ENACTING LAWS RELATING TO MARRIAGE.

Offered by: Rep. Benigno R. Fitial & 8 others.

Referred to: Committee on Judiciary and Governmental Operations.

### PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 14-27: A House Resolution requesting the Commonwealth Utilities Corporation to cease the operation of the Puerto Rico power plant and to relocate the facility to a more suitable site.

Offered by: Rep. Jesus T. Attao

Speaker Fitail: If there's no objection from the members, I would like to place H. R. NO. 14-27 on today's calendar for consideration.

There was no objection.

Speaker Fitail: Any more resolutions to be introduced? Rep. Tebuteb.

H. R. NO. 14-28: A House Resolution to congratulate Willem "Bill" Sakovich and Jean Sakovich for their induction into the Northern Marianas Hall of Fame on February 19, 2004.

Offered by: Rep. Ramon A. Tebuteb and seventeen others.

H. R. NO. 14-29: A House Resolution to congratulate Tony I. Rogolofoi for his induction into the Northern Marianas Sports Hall of Fame on February 19, 2004.

Offered by: Rep. Ramon A. Tebuteb and seventeen others.

H. R. NO. 14-30: A House Resolution to congratulate Michael S. Villagomez for his induction into the Northern Mariana Sports Hall of Fame on February 19, 2004.

Offered by: Rep. Ramon A. Tebuteb and seventeen others.

Rep. Tebuteb: Thank you, Mr. Speaker. I would like to introduce these as a Committee of the Whole.

There was no objection.

Speaker Fitail: So ordered. I have a prefiled H. J. R. NO. 14-10 and would like also to have the Committee of the Whole as the introducer. If no objection, I would like to place this on today's calendar.

There was no objection.

H. J. R. NO. 14-10: A House Joint Resolution to commend Juan Tenorio Guerrero for his volunteer leadership and stewardship, in various capacities since 1985, of the Northern Mariana Islands Chapter of the American Red Cross.

Offered by: Rep. Benigno R. Fitail and seventeen others.

Speaker Fitail: Any more resolutions to be introduced? Before we proceed, I would like request that we resolve into the Committee of the Whole.

Floor Leader Babauta moved to resolve into the Committee of the Whole for the presentation of resolution, was seconded and carried by voice vote.

Speaker Fitial: Motion carries.

The House went into Committee of the Whole at 10:30 a.m.

### **COMMITTEE OF THE WHOLE**

The House returned to plenary session at 10:36 a.m.

### **MESSAGES FROM THE GOVERNOR**

None

### **SENATE COMMUNICATIONS**

Floor Leader Babauta: I moved to accept SEN. COMM. 14-34 reference S. B. NO. 14-15, SD1 subject to the rule of chair.

The motion was seconded.

SEN. COMM. 14-34: Transmittal of S. B. NO. 14-15, SD1 entitled, “To amend 3 CMC § 4332(b) to allow for up to a 90-day stay limit on initial entry permits for tourists; and for other purposes.

Speaker Fitial: Discussion.

Several members voice, “ready.”

Speaker Fitial: Motion carries. I’d like to refer this Senate Communication to the Committee on Commerce and Tourism.

### **HOUSE COMMUNICATIONS**

None

### **COMMUNICATIONS FROM THE JUDICIAL BRANCH**

None

### **COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE**

None

### **COMMUNICATIONS FROM DEPARTMENTS & AGENCIES**

DEPT. & AGENCY COMM. 14-7 – [3/26/04] – From Mr. Gregorio C. Sablan, CEC Executive Director, requesting to meet with the House to discuss the idea for a new ballot design.

Floor Leader Babauta: Is there any meeting set for the request on Communication 14-7?

Speaker Fitial: The Executive Director came to see me on this particular issue and he told me that he was going to meet with the Senate and come back to me for scheduling but he hasn’t gotten back to

me yet. Let me just share that this has to deal with the format of the ballot. The Election Commission is preparing a new format that will re-appearing on all future ballots for candidates. The Election Commission is proposing to group candidates by office. In other words, party will not stand out, it'll be by alphabetical or whichever order. That will give chances to Independent Candidates because they will be grouped with non-independents. So that's basically the meeting that the Executive Director will propose to be discussed with both chambers.

Rep. Attao: Are the political parties going to be involve with these changes?

Speaker Fitial: I think the Election Commission wants to meet with us first and if we agree then that's probably the time they will contact the respective political parties.

Rep. Hofschneider: I think the most important in terms of experience, Mr. Speaker and I think all of us can contribute one or two experience of ours but this is the second if not the third election that have through with this format, this new machine. The most glaring difficulty or injustice to candidates, whether you made it or did not make it, is really the two-sided ballot. For the Third Senatorial District, it is extremely important to know what you're going to tell the people, especially when you've done your work and you've gone out and done your house-to-house and normally they give us a sample ballot to go with ahead of time and in most cases people are having difficulty looking for candidates of their choice and it is a matter of presentation. We have a degree of respect for people in polling places that we adhere to their guidance and their authority. So when you're presented a ballot and it just so happened that, on that page you find your name on it, it's easy, but no one has ever made a point. So many times when people come out of Garapan polling place, they go straight and say, "I was looking for the initiative, I was looking for the senator, I was looking for representative." It's the way you're presented that ballot when they clip it on and slide it in. Most people fail to recognize that and when you're handed that, we believe or they believe that that's the first page in spite of Board of Commission coming out and saying, "There is no page 1 and there's front page or back page." I think we dispose of double-sided ballots and put everybody on the same page. It's in all fairness. Especially when you have the same last name. I don't have that or even the Speaker doesn't have that problem but when you have Sablan running with another Sablan or Camacho running with another Camacho, it does matter, the presentation you're given. It really does matter because you have to flip that. The elders are the ones really hurt because they're afraid to ask because they think that's a violation of the election's procedure and rules. So for me, Mr. Speaker I don't know about the members but I think that the first we do away with in recommending to the Board of Election is to do away with double-sided or multiple sided ballots and just put all the candidates whether you group them as parties or alphabetical or what.

Speaker Fitial: I will immediately inform you after I receive word from the Executive Director or the Senate for a meeting with the entire House to meet with the Senate together with the Election Commission.

## **OTHER COMMUNICATIONS**

None

## **REPORTS OF STANDING COMMITTEES**

None

**REPORTS OF SPECIAL AND CONFERENCE COMMITTEES**

None

**UNFINISHED BUSINESS**

None

**RESOLUTION CALENDAR**

Floor Leader Babauta: Thank you, Mr. Speaker. I move to suspend Rule VII, Section 7 for the placement and adoption of H. R. NO. 14-27, H. R. NO. 14-28, H. R. NO. 14-29 and H. R. NO. 14-30.

The motion was seconded.

Speaker Fitial: Motion carries.

Floor Leader Babauta: Subsidiary motion to include H. J. R. NO. 14-10.

The motion was seconded.

Speaker Fitial: Motion carries. Adoption motion.

Floor Leader Babauta moved for the adoption of H. R. NO. 14-27, H. R. NO. 14-28, H. R. NO. 14-29, H. R. NO. 14-30 and H. J. R. NO. 14-10, was seconded by several others.

H. R. NO. 14-27: A House Resolution requesting the Commonwealth Utilities Corporation to cease the operation of the Puerto Rico power plant and to relocate the facility to a more suitable site.

H. R. NO. 14-28: A House Resolution to congratulate Willem “Bill” Sakovich and Jean Sakovich for their induction into the Northern Marianas Hall of Fame on February 19, 2004.

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H. J. R. NO. 14-10: A House Joint Resolution to commend Juan Tenorio Guerrero for his volunteer leadership and stewardship, in various capacities since 1985, of the Northern Mariana Islands Chapter of the American Red Cross.

Speaker Fitial: Motion carries. We move to Miscellaneous Business. Rep. Deleon Guerrero.

**BILL CALENDAR**

None

## MISCELLANEOUS BUSINESS

Rep. Deleon Guerrero: Mr. Speaker, today's front page involves a very important issue, consumer issue and that is the continued hike of fuel prices in the CNMI. I want to request that the Chairman of either Commerce and Tourism or PUTC look into this issue further. We all understand that fuel prices worldwide has gone up and consequently goes up around here but it's hard to swallow their excuses when the reasons between Mobil and Shell do not even coincide. When the Iraq war happened, fuel prices were expected to go up but it continued to stay the same in the States as a matter of fact, it went down a little but yet the prices here continue to go up. They pledged or said that they will roll it back when conditions get better yet they did not. There's been three hikes just this year starting January and it's only March now and I think this is a problem that really deserves some attention by the Legislature. In the 13<sup>th</sup> Legislature, we considered the divorcement bill, I know that the Chairman of Commerce and Tourism is considering that now and I want to encourage him to also explore perhaps other companies that could provide true competition in the CNMI. We know there was one company out of Korea called SK that was interested in opening up here and I think we should encourage competition, Mr. Speaker because I don't see competition between Mobil and Shell. When one raises it's rate, the other one does so, and we have found that sometimes when Shell is low on fuel, they buy from Mobil and I don't know where competition exist when they do business together. So Mr. Chairman, I'd like to ask that you look into this and see how we can have some kind of control, at the very minimum to promote competition in the CNMI with regards to fuel.

Speaker Fitial: Any more miscellaneous. Rep. Ada.

Rep. Ada: The newly appointed Secretary of Department of Lands and Natural Resources just came back from Hawaii so we're waiting for their position paper on the giant clam. It's a positive position paper that's coming out, the green light to bring in the clams so we can start the project.

Speaker Fitial: Any more interesting business?

## ANNOUNCEMENTS

Speaker Fitial: There will be a Ribbon Cutting ceremony this afternoon at 4:00 down at the track and field. All members are invited not only to attend but to participate in the track. Before 2:00 p.m. we will meet with the Chairperson of the Board of Regents to continue discussion on Pacific Gateway fiasco. Any announcements from the Committee Chairs. Chairman Yumul.

Chairman Yumul: Thank you Mr. Speaker, I just like to remind our members that tomorrow at 2 PM here in the House Chamber is our public hearing on the Banking Bill. I encourage everybody to attend.

Speaker Fitial: Okay. With that, the House stands recess until Thursday, April 1, 2004 at 10:00 a.m. where we will have the students from Mt. Carmel come and attend the session pursuant to their request. I would like the respective committee chairs to make Thursday's session interesting.

Rep. Hofschneider: Can we pass that Legislative Initiative?

Speaker Fitial: That should be an ideal issue to discuss in front of the students.

The House adjourned at 10:54 a.m.

Respectfully submitted,

Victoria T. Guerrero, Journal Clerk  
House of Representatives

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**APPEARANCE OF LOCAL BILLS**

None