



House Journal

THIRD SPECIAL SESSION, 2004

First Day

April 28, 2004

The House of Representatives of the Fourteenth Northern Marianas Commonwealth Legislature convened in its **First Day, Third Special Session**, on **Wednesday, April 28, 2004**, at **10:19 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 present; two members are absent.

Speaker Fitial: A quorum is present for this morning's session. Representative Ada and Seman are excused.

ADOPTION OF JOURNALS

First Day, Second Special Session Journal (04/15/04)

The Chair recognized the Floor Leader.

Floor Leader Babauta moved for the adoption of the First Day, Second Special Session Journal, was seconded and carried by voice vote.

Speaker Fitial: Motion carries. The Journal for the First Day of our Second Special Session is adopted. Floor Leader.

Floor Leader Babauta: Before we continue to the Order of Business, I move that we resolve into Committee of the Whole to present Resolutions to the intended recipients.

The House dissolved into the Committee of the Whole at 10:23 a.m.

COMMITTEE OF THE WHOLE

The House returned to plenary session at 11:05 a.m.

PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 14-177: A Bill for an Act to appropriate One Million Five Hundred Thousand Dollars (\$1,500,000.00 of the bond interest proceeds from the CIP Bond authorized by Public Law 11-102 for the constructions of Dialysis Facilities and various Road Projects in the First and Second Senatorial Districts in the CNMI: and for other purposes.

Offered by: Rep. Norman S. Palacios
Referred to: Committee on Ways and Means

H. B. NO. 14-178: A Bill for an Act to appropriate \$800,000.00 from remaining bond interest proceeds from the CIP Bond authorized by P.L. 11-102 to fund the power upgrade in Obyan, Navy Hill, Capitol Hill, the First and Second Senatorial District and for various Road Paving projects in Precinct I.

Offered by: Rep. David M. Apatang and seven others
Referred to: Committee on Ways and Means

H. L. B. NO. 14-20: A Local Bill for an Act to create the office of the Rota Municipal Treasurer within the Office of the Rota Resident Director of Finance; and for other purposes.

Offered by: Rep. Crispin M. Ogo

The Chair recognized Rep. Apatang.

Rep. Apatang: Mr. Speaker, I would like to ask the members if we could place this bill on today's calendar on First and Final. There are some issues here that are urgent especially the power upgrade on the areas that have been raising a lot of concerns about the power situation in Obyan. As we all know, there's water available in that area and that issue now is that they want the power hook-up so that they can relocate. We have people that are residing in that area that have school children and they're asking if we can help them get the power hook-up in that area.

Speaker Fitial: If the committee does not have any objection, like I said, we would like to piecemeal all appropriation measures from now on because of legitimate reasons and also strategic reasons but if the consensus is to allow deliberation and consideration of issues or appropriation measures on First and Final Reading, that would be up to the members.

Chairman Palacios: I think I have to object this because there are other bills that I introduced dipping into this amount, same account.

Speaker Fitial: So can you use a softer word then to object?

Chairman Palacios: I just have concerns.

Speaker Fitial: I think that we also agreed that we should try to help each other prioritize precinct needs and then try to come up with accommodations for each precinct including Tinian and Rota.

Rep. Apatang: This small amount for appropriation the \$800,000.00, I've asked CUC to give an estimate on what will it take to put in power poles and the lines in that area. This particular appropriation actually, about \$500,000.00 is just enough to put in all the power lines in that

particular area including some in Navy Hill and Capitol Hill and part of Kobler areas. Like I said, this is kind of urgent we have a lot of people that have been waiting to put power back there and we've getting daily telephone calls from the residents of that area.

Speaker Fitial: Okay so Chairman Palacios, can you work on this bill as soon as your committee can get together so that Rep. Apatang's concerns on behalf of the people requiring power assistance can be accommodated.

Floor Leader Babauta: I understand this is the same scenario with H. B. NO. 14-177 in the same amount. I don't know if the author is going to introduce it or not but I would recommend that they introduced and be worked by the committee on the comprising of the figure. I would assume that this is the money coming out from the reserved MRC payment that is still pending with the Administration and CDA. If not, then it's probably the balance of the \$4.196 and the balance of the recently passed prison out-fitting project.

Speaker Fitial: I can see that, that's why it's best that the committee look into these two measures and come up with a workable formula.

Floor Leader Babauta: I would recommend further Mr. Speaker that the entire amount will be appropriated and divided by six precincts.

PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 14-45: A House Resolution to recognize and honor all Teachers from Rota Junior High School on Rota as they celebrate National Teachers Appreciation Week during the week of May 02-07, 2004.

Offered by: Rep. Crispin M. Ogo

H. R. NO. 14-46: A House Resolution to recognize and honor all Teachers from Rota High School on Rota as they celebrate National Teachers Appreciation Week during the week of May 02-07, 2004.

Offered by: Rep. Crispin M. Ogo

H. R. NO. 14-47: A House Resolution to recognize and honor all Teachers from Grace Christian Academy on Rota as they celebrate National Teachers Appreciation Week during the week of May 02-07, 2004.

Offered by: Rep. Crispin M. Ogo

H. R. NO. 14-48: A House Resolution to recognize and honor all the Teachers from Sinapalo Elementary School on Rota as they celebrate national Teachers Appreciation Week during the week of May 02-07, 2004.

Offered by: Rep. Crispin M. Ogo

H. R. NO. 14-49: A House Resolution to recognize and honor all Teachers from Eskuelan San Francisco De Borja on Rota as they celebrate National Teachers Appreciation Week during the week of May 02-07, 2004.

Offered by: Rep. Crispin M. Ogo

H. R. NO. 14-50: A House Resolution congratulating Divana Francine Manglona Dela Cruz for being crowned Miss Teen CNMI Queen in the 2004 Miss Teen CNMI Beauty Pageant.

Offered by: Rep. Janet U. Maratita and eight others.

Speaker Fitial: If there's no objection from the members, I would like to place all the resolutions on today's calendar for consideration.

There was no objection.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 14-42 – [4/20/04] – Certification for Women's Affairs Rep., Beautification Coordinator and Federal/Budget Program Coordinator at the Office of the Mayor of Rota.

GOV. COMM. 14-43 [4/22/04] – Informing the House that he signed H. B. NO. 14-62, HS1, HD2, SD1 (\$1,860,000 Appropriation for Headstart Centers] into **Public Law No. 14-3**.

The Chair recognized Rep. Apatang.

Rep. Apatang: Thank you Mr. Speaker. I just want to thank the author, Rep. Tebuteb and especially the Governor for signing this bill into Law. As we all know, this appropriation is very urgent and is needed for additional classroom in Kagman Elementary, Junior and High School and I want to thank the members also for supporting this bill.

SENATE COMMUNICATIONS

SEN. COMM. 14-47: Transmittal of a certified copy of S. R. NO. 14-12, entitled, "A Senate Resolution to request that the United States Postal Service refrain for sole-sourcing Commonwealth mail delivery contracts and provide representation in the award process to local companies who have demonstrated a competitive ability to perform," which was adopted by the Senate on April 7, 2004.

The Chair recognized Floor Leader.

Floor Leader Babauta: So move Mr. Speaker to accept SEN. COMM. 14-47.

Speaker Fitial: Discussion. Motion Carries.

HOUSE COMMUNICATIONS

HSE. COMM. 14-11: From Rep. Seman informing the Speaker that he will be on official travel from April 19-23, 2004.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

JUD. BR. COMM. 14-4 – [4/19/04] – Certification for a Records Assistant at the Superior Court.

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

Misc. Comm. 14-13 – 04/15/04 – From Ms. Frances Muna, SNIMC Administrative Officer, transmitting a certified copy of 8SMC-24S-01 thru 8SMC-2RS-35.

REPORTS OF STANDING COMMITTEES

Floor Leader Babauta: Thank you, Mr. Speaker. If there's no objection from the floor, I move to place the following S. C. R. NO. 14-49, S. C. R. NO. 14-50 and S. C. R. NO. 14-51 on Today's Order of Business.

The motion was seconded.

Speaker Fitiaf: Motion carries. Again it will be up to the members to decide what is the consensus, should we just acknowledge the Committee Reports and then discuss them on the bill calendar or do you want it to be calendared and discuss at the next legislative session?

Rep. Attao: Next legislative session.

The Chair recognized Rep. Ogo.

Rep. Ogo: Mr. Speaker, if I may request to have S. C. R. NO. 14-49 be place on today's calendar.

Speaker Fitiaf: For discussion?

Several members voiced, "no objection."

Rep. Maratita: Mr. Speaker, I would like to ask the indulgence of the members to place S. C. R. NO. 14-51 due to the urgency of the Department of Lands and Natural Resources' needs. The CNMI may jeopardize funding should we felt to pass this house bill.

Several members voiced, “no objection.”

Speaker Fitial: If no objection, S. C. R. NO. 14-49 and S. C. R. NO. 14-51 will be placed on today’s calendar for consideration. Otherwise, S. C. R. NO. 14-47, S. C. R. NO. 14-48 and S. C. R. NO. 14-50 will be placed on the calendar for consideration at the next legislative session.

Floor Leader Babauta: Mr. Speaker, clarification because S. C. R. NO. 14-47 and S. C. R. NO. 14-48 have been prefiled on the calendar for the last two days so it’s okay and I have no objection to include the loaner which is S. C. R. NO. 14-50 on today’s order of business so that we can deliberate.

Speaker Fitial: Any objection? Okay so we have five Standing Committee Reports. Adoption motion. Floor Leader.

Floor Leader Babauta: So move, Mr. Speaker for the adoption of S. C. R. NO. 14-47, reporting on H. B. NO. 14-155, S. C. R. NO. 14-48, reporting on S. B. NO. 14-15, SD1, S. C. R. NO. 14-49, reporting on H. B. NO. 14-151, S. C. R. NO. 14-50, reporting on H. B. NO. 14-106, CD1, S. C. R. NO. 14-51, reporting on H. B. NO. 14-170.

The motion was seconded.

Speaker Fitial: Discussion. Motion carries.

S. C. R. NO. 14-47: Reporting on H. B. NO. 14-155, entitled, “To allow the full membership of the MVA Board of Directors to participate in the appointment of the Managing Director.” *Your Committee on Commerce and Tourism recommends passage.*

S. C. R. NO. 14-48: Reporting on 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.” *Your Committee on Commerce and Tourism recommends passage.*

S. C. R. NO. 14-49: Reporting on H. B. NO. 14-151, entitled, “To amend 1 CMC §§2091, 2092, and 2093(a); and for other purposes.” *Your Committee on Health and Welfare recommends passage.*

S. C. R. NO. 14-50: Reporting on H. B. NO. 14-106, CD1 entitled, “To amend 4 CMC § 5106 to prohibit abusive collection tactics, set limits on communications about debt, describe and forbid fraudulent or misleading collection practices, and limit the types of charges collector may assess consumer debtors; and for other purposes.” *Your Committee on Judiciary and Government Operations recommends passage.*

S. C. R. NO. 14-51: Reporting on H. B. NO. 14-170, entitled, “To amend 2 CMC Section 5106; and for other purposes.” *Your Committee on Natural Resources recommends passage.*

Speaker Fitial: Resolution Calendar.

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 and Rule IX, Sections 9, 10 and 11 for the placement and passage for H. R. NO. 14-45, H. R. NO. 14-46, H. R. NO. 14-47, H. R. NO. 14-48 and H. R. NO. 14-49.

The motion was seconded and carried by voice vote.

Speaker Fitial: Motion carries. Adoption.

Floor Leader Babauta: So moved, Mr. Speaker, for the adoption of H. R. NO. 14-45, H. R. NO. 14-46, H. R. NO. 14-47, H. R. NO. 14-48 and H. R. NO. 14-49.

The motion was seconded by several others.

Speaker Fitial: Discussion. Rep. Maratita.

Rep. Maratita: I would like to ask the Floor to include H. R. NO. 14-50.

Floor Leader Babauta: Subsidiary motion from the original motion to include H. R. NO. 14-50.

The motion was seconded.

Speaker Fitial: Discussion on any of these six Resolutions.

Several members voiced, "ready."

Rep. Yumul: Since we're in the process of passing a House Resolution for teachers in pretty much all grade levels or school levels, maybe perhaps we can also include Saipan's schools?

Vice Speaker Villagomez: It's a comment, Mr. Speaker.

H. R. NO. 14-45: A House Resolution to recognize and honor all Teachers from Rota Junior High School on Rota as they celebrate National Teachers Appreciation Week during the week of May 02-07, 2004.

H. R. NO. 14-46: A House Resolution to recognize and honor all Teachers from Rota High School on Rota as they celebrate National Teachers Appreciation Week during the week of May 02-07, 2004.

H. R. NO. 14-47: A House Resolution to recognize and honor all Teachers from Grace Christian Academy on Rota as they celebrate National Teachers Appreciation Week during the week of May 02-07, 2004.

H. R. NO. 14-48: A House Resolution to recognize and honor all the Teachers from Sinapalo Elementary School on Rota as they celebrate national Teachers Appreciation Week during the week of May 02-07, 2004.

H. R. NO. 14-49: A House Resolution to recognize and honor all Teachers from Eskuelan San Francisco De Borja on Rota as they celebrate National Teachers Appreciation Week during the week of May 02-07, 2004.

H. R. NO. 14-50: A House Resolution congratulating Divana Francine Manglona Dela Cruz for being crowned Miss Teen CNMI Queen in the 2004 Miss Teen CNMI Beauty Pageant.

Several members voiced, "ready" and the motion to adopt H. R. NO. 14-45, H. R. NO. 14-46, H. R. NO. 14-47, H. R. NO. 14-48, H. R. NO. 14-49 and H. R. NO. 14-50 was carried by voice vote.

Speaker Fitial: Motion carries. Floor Leader.

BILL CALENDAR

Floor Leader Babauta: I move to suspend Rule IX, Section 9, 10 and 11 on H. B. NO. 14-151 and H. B. NO. 14-106, CD1, H. B. NO. 14-170, H. B. NO. 14-155 and S. B. NO. 14-15, SD1, and place it on today's calendar for action.

The motion was seconded and carried by voice vote.

Speaker Fitial: Motion carries. Passage.

Floor Leader Babauta: So move, Mr. Speaker, for the passage on First and Final Reading H. B. NO. 14-155.

The motion was seconded.

H. B. NO. 14-155: TO ALLOW THE FULL MEMBERSHIP OF THE MVA BOARD OF DIRECTORS TO PARTICIPATE IN THE APPOINTMENT OF THE MANAGING DIRECTOR.

Speaker Fitial: Discussion. Rep. Tebuteb..

Rep. Tebuteb: May I ask the Committee, the position from the MVA Board of Directors, specifically on personnel, did this bill go to that committee for comment and what motivates this bill?

Chairman Yumul: This bill, if we were to look at P. L. NO. 11-15, MVA Board Members currently can vote on every issue at the Board level except the Managing Director and it seems to be inconsistent because if the Board is able to vote on budget issues and advertising campaign issues but yet not the Managing Director, it's inconsistent. Also, on page 2, under (b), committee findings,

Ron Sablan, Wendi Herring and Jesus M. Guerrero were former Board Members and some of them are still standing Board Members as elected by the membership and they're all in favor of this bill because they see the relevance and it does not make sense in terms of these Board Members voting for all issues except the Managing Director.

Rep. Tebuteb: Is that the position of the Board of Directors for MVA or is that the position for the HANMI and as the President or General Manager of Pacific Gardenia and Ms. Herring as the General Manager or as a member of the Board of Director for MVA?

Chairman Yumul: These persons that I listed are basically are members of the MVA membership and this is the general concerns of the membership, I don't see why not especially considering that even P. L. NO. 11-15 was put together without the consent of the former Board of Directors of MVA.

Rep. Tebuteb: I don't really get that. This looks like, they support this for the passage as a member but not as the position of the Board.

The Chair recognized the Floor Leader.

Rep. Apatang: Just a question here on the status of these individuals. They come in and out of the Commonwealth, is this considered dual citizenship? If we allow them to be a resident of the CNMI, can they maintain their status outside of the original citizenship?

Rep. Norita: The bill authorizes the Department of Immigration to promulgate rules and regulations in regards to handling those individuals.

Rep. Apatang: If we allow them to become permanent residents here, they can hold other passports, correct?

Rep. Norita: To my understanding, they shouldn't be able to do that. Section 4 authorizes the Department of Immigration to promulgate the regulation to deal with those.

Speaker Fitial: Can we have our legal counsel, Mr. Bermudes.

Legal Counsel Bermudes: *Is this referred to citizenship? It's different from permanent residents. For example, the current permanent residents of the NMI are permanent residents of NMI, but most of them are Philippine citizens.*

Rep. Apatang: But my concern is they're beyond the age of 18, at the age of 21. They can't claim the citizenship of their own country? Correct?

Legal Counsel Bermudes: *Yes they can. The 21 goes to the immediate relative status. They can no longer be immediate relative.*

Rep. Apatang: So they become citizens of their parents' country? Correct?

Legal Counsel Bermudes: From birth their citizenship is the citizenship of their parents. Not U.S. So, permanent resident and citizenship are two different things.

Rep. Apatang: So once they're 18 they can decide where to go, become a CNMI citizen or whatever country their parents came from.

Legal Counsel Bermudes: There's no CNMI citizenship so, it's either U.S. or...

Rep. Apatang: So once they become CNMI permanent residents, they are residents of the CNMI?

Legal Counsel Bermudes: Correct.

Rep. Apatang: So what do we give them? We give them a CNMI card that says they're permanent residents?

Legal Counsel Bermudes: Yes, whatever they are giving the current permanent residents. It's basically a card that says CNMI permanent resident card.

Speaker Fitiaf: Same as the green card.

Rep. Apatang: Another question. What if the U.S. immigration takes over our immigration status here, what are these peoples status going to be? Have we looked into that? Or are they automatically given the opportunity to become U.S. citizen or are they going to say you're not a U.S. citizen you have to go back to your country.

Legal Counsel Bermudes: Under the U.S. law, the non-alien is defined as only U.S. citizens and nationals. So on that premise, I would say they would not become U.S. citizens.

Rep. Apatang: So even if we allowed them become a CNMI permanent resident, by U.S. immigration law they are still non-resident? Correct?

Legal Counsel Bermudes: They're still aliens.

Rep. Apatang: They are not U.S.; they are not U.S. citizen so they are non-residents if the U.S. immigration should take over.

Legal Counsel Bermudes: They're non-aliens under the U.S. definition.

Rep. Apatang: Non-aliens? I think we should clarify that.

Legal Counsel Bermudes: They're aliens under U.S. definition.

Rep. Apatang: We're going to solve one problem here or at least we're trying to solve one problem. Now, let's assume that the U.S. immigration takes over, they're gonna encounter the same problem again. Even if we allow them to stay here for the purpose for them to work and run around freely, be part of the Commonwealth and when the U.S. immigration comes in they're gonna have to go through the same routine. They have to probably submit an application and wait for five years in

order for them to get an I-151, that's the U.S. green card. So we have to really look at this issue and get some feed back from the U.S. immigration. Thank you, Mr. Speaker.

Several members voiced, "ready."

Speaker Fitial: Ready. Rep. Seman.

Rep. Seman: Let me ask the legal counsel if you're in knowledge whether or not if we should not support this bill and these children are required to go back to their countries, the countries of their parents, will they be allowed back?

Legal Counsel Bermudes: Allowed back where?

Rep. Seman: To the respective countries where their parents have come from? Technically, they do not carry the citizenship of their parents at this moment.

Legal Counsel Bermudes: But they do by law, as citizens of their parents' country.

Rep. Seman: Okay, thank you.

Several members voiced, "ready."

Speaker Fitial: Ready. Roll call.

The roll called on the motion to pass H. B. NO. 14-97, HS1 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	no
Rep. Jesus T. Attao	no
Rep. Oscar M. Babauta	yes
Rep. Joseph P. Deleon Guerrero	excused
Rep. Heinz S. Hofschneider	no
Rep. Jesus SN. Lizama	yes
Rep. Janet U. Maratita	no
Rep. Claudio K. Norita	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Justo S. Quitugua	absent
Rep. Benjamin B. Seman	no
Rep. Ramon A. Tebuteb	no
Rep. Timothy P. Villagomez	abstained
Rep. Ray N. Yumul	yes
Rep. Benigno R. Fitial	yes

Speaker Fitial: Again, the abstention goes to the prevailing votes, so with the result of vote on H. B. NO 14-97, CS2 the motion is adopted. The Bill is passed on First and Final Reading.

Floor Leader Babauta: So moved for the passage of H. B. NO. 14-85, CS1 on First and Final Reading.

H. B. NO. 14-85, HS1: A Bill for an Act to authorize the establishment of the Park Rangers under the Division of Parks and Recreation and to designate the Department of Lands and Natural Resources as the administering authority for Commonwealth parks, recreational areas and tourist sites; and to amend 1 CMC § 2707(a), (c), (d) and (e) and 1 CMC § 2704(b); and for other purposes.

Speaker Fitial: Discussion. Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. I'm going to do some amendment here. Refer to line 6, page 1. It is because of this reason and Marianas Public Lands Authority (MPLA) Board of Directors approved the conveyance of parks and recreational areas. Point on line 11 that further refines that the Executive Order 03-02 also transferred the duties and responsibilities for maintaining tourist sites. I would like to submit exhibit A as part of this Legislation. Exhibit A lists all the parks and tourists sites and recreational areas that where designated by MPLA. Therefore, I would like to propose an amendment on page 2, line 11 to delete after "Marianas Visitor's Authority," delete "but excluding the Haruji Matsue Sugar King Park." This is included as a tourist site. On lines 15, 16 and 17 re-insert the deleted phrase and that is, "the Gilbert C. Ada Gymnasium and adjacent sports facilities" all the way to "association" and delete what was included. It is because of the first page that I'm going to do this amendment and all these parks that where designated by MPLA are all in Saipan, there's none from the First and Second Senatorial Districts. On page 4, line 2, delete what was included, from line 2 to line 4 delete. Therefore, on line 12 same page, delete after "Director" and delete "or Resident Director in the case of the First and Second Senatorial Districts" as well as line 14 after the comma "or Resident Director in the case of the First and Second Senatorial Districts." Thank you, Mr. Speaker.

Floor Leader Babauta: Second. Discussion.

Speaker Fitial: Discussion.

Floor Leader Babauta: May I ask the mover the rationale on re-instating the stricken out phrase on the first amendment on page 2.

Rep. Tebuteb: As I mentioned, on the statement of purpose and finding, these were designated parks and recreational areas and on the Executive Order tourist sites and that's this exhibit.

Floor Leader Babauta: Can I clarify from any member of the committee on the rationale of removing or striking out part of line 16 and part of line 18 and instead re-inserting the underlined amendment?

Rep. Maratita: In response to that, Representative Tebuteb, it's the recommendation from the Office of the Mayor, which H. R. NO. 13-75 was also adopted by the Thirteenth Northern Marianas Legislature which I believe you are also one of the introducers. So in consideration with that and because of the unique history of the Sugar King that the Mayor has been handling over the years so with that respect, I took the Saipan Mayor's recommendation with the inclusion of the H. R. NO. 13-75.

Floor Leader Babauta: Is the committee content with the oral amendment offered by the distinguished Congressman, Rep. Tebuteb.

Rep. Maratita: I would like to oppose to that. It is the House Resolution adopted by the Thirteenth Legislature recommending or requesting the Honorable Juan N. Babauta to dedicate the Haruji Matsue Sugar King Park.

Rep. Tebuteb: So, I would assume that the Committee found that it is already designated to the Mayor's Office.

Rep. Maratita: Right, that's why we have to...

Rep. Tebuteb: Usually it's the MPLA whom designates and according to this exhibit, Sugar King is part of a tourist site so until such time maybe we'll maintain the amendment.

Vice-Speaker Villagomez: You don't want to exclude parks and recreation down the line if anything is apart of the Commonwealth Parks and Recreation, it should all be included.

Speaker Fitial: No, Representative Tebuteb's point is until such time that MPLA designates those areas we should not take the Mayor's designation.

Rep. Maratita: He already got it.

Speaker Fitial: So maybe Rep. Tebuteb was not informed.

Rep. Tebuteb: I'm referring to the exhibit.

Vice-Speaker Villagomez: The Resolution was not attached to the Committee Report, Mr. Speaker.

Speaker Fitial: If it's already designated then ...

Rep. Tebuteb: That's simple; we'll just change that.

Speaker Fitial: That's the prerogative of the MPLA. So, if it's already designated then, that's that.

Rep. Maratita: It is.

Rep. Tebuteb: So we have two entities responsible for the Sugar King Park?

Speaker Fitial: According to the Committee, it's only the Mayor and that was requested by the Thirteenth Legislature.

Floor Leader Babauta: Mr. Speaker, I just noticed on the Committee Report that the mentioned park Matsue, is this a formalized association or non-profit, the Northern Marianas Japan Cultural Center?

Rep. Hofschneider: Yes it is.

Floor Leader Babauta: So, Mr. Speaker, I assumed the Chair is alluding to excluding so that the incorporated Northern Marianas Japan Cultural Center would take charge of the area and probably the facilities, the Sugar King Matsue and I assume that's the Committee's intention of exempting

Matsue from the official site under the jurisdiction of the Division of Parks and Recreation because we have a Northern Marianas Japan Cultural Center.

Rep. Tebuteb: We'll make it simple Mr. Speaker. I'll just withdraw that amendment, only that section on the Sugar King.

Speaker Fitial: So the Sugar King area is excluded because it is now under that organization. So let's vote on the floor amendment offered by Rep. Tebuteb to exclude the Sugar King area.

Several members voiced, "ready" and the motion to adopt the floor amendment offered by Rep. Tebuteb to H. B. NO. 14-85, HS1 was carried by voice vote.

Speaker Fitial: Motion carries.

Floor Leader Babauta: Further discussion on the main motion, Mr. Speaker.

Speaker Fitial: Further discussion.

Floor Leader Babauta: When the Division of Parks and Recreation was established permanently through legislation, there was a concern raised in initial provision of the bill and I saw something on page 2 that the previous committee removed from the recommendation because of the limited area. And that is on page 2, line item 24 subparagraph (f). I just want to clarify and make it clear that rules and regulations that are promulgated pursuant to this subparagraph shall take into consideration the pavilions, picnic areas that are normally being reserved for christening parties and whatever the Committee wishes to do with this, sometimes birthdays. I have a reservation with this subparagraph.

Speaker Fitial: Your reservation is on the alcohol free zone?

Floor Leader Babauta: Everything, Mr. Speaker. I don't know how best a ranger can monitor. Do we need a ranger there when there is a birthday or christening party at Minachom Atdao to make sure that every individual does not chew or consume alcohol and what have we on this subparagraph? Again, the boundaries...will these boundaries for instance, from Civic Center stretching all the way to Susupe basketball court...normally we have political parties, rallies, kick-offs and fundraising events and everything. Would this be applied? I hope we exempt the *lalli-4* and Susupe Regional Park. This is a concern that I wanted to bring to the attention of the House.

Speaker Fitial: I think that's a valid concern.

Floor Leader Babauta: We have brought up this issue before and it was removed from the original enabling legislation that established the Division of Parks and Recreation permanently under the Department of Lands and Natural Resources. I would leave it up to the discretion of the House.

Speaker Fitial: I think this is very anti *taotao-tano*. You wish to offer an oral amendment?

Floor Leader Babauta: Yes, Mr. Speaker, if no objection. I move to delete subparagraph (f) as discussed earlier and re-letter accordingly.

Several members voiced, “ready” and the motion to adopt the floor amendment offered by Floor Leader Babauta to H. B. NO. 14-85, HS1, HD1 was carried by voice vote.

Speaker Fitial: Motion carries. Now we’re voting on the main motion to pass H. B. NO. 14-85, CS1, HD2.

The roll called on the motion to pass H. B. NO. 14-85, HS1, HD2 on First and Final Reading is as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	yes
Rep. Oscar M. Babauta	yes
Rep. Joseph P. Deleon Guerrero	excused
Rep. Heinz S. Hofschneider	yes
Rep. Jesus SN. Lizama	yes
Rep. Janet U. Maratita	yes
Rep. Claudio K. Norita	yes
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	excused
Rep. Norman S. Palacios	yes
Rep. Justo S. Quitugua	absent
Rep. Benjamin B. Seman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Timothy P. Villagomez	yes
Rep. Ray N. Yumul	yes
Rep. Benigno R. Fitial	yes

Speaker Fitial: H. B. NO. 14-85, CS1, HD2 passes the House on First and Final Reading.

Floor Leader Babauta: None, Mr. Speaker, but I wish to officially submit the exhibit offered by Representative Tebuteb as part of the H. B. NO. 14-85.

Speaker Fitial: Any Miscellaneous Business or Announcements? Chairman Yumul.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

Chairman Yumul: Thank you Mr. Speaker. The Committee on Commerce and Tourism will be meeting next Tuesday, February 6, at 9:00 a.m.

Vice Speaker Villagomez: That’s in conflict with the meeting with the A.G.

Speaker Fitial: That’s why I ask the date because we’re meeting the Attorney General together with all the factories here in the House Chamber on April 6, at 9:00 a.m.

Chairman Yumul: Strike that, Mr. Speaker. We will have the meeting in the afternoon at 1:00 p.m.

Rep. Apatang: Are we on Miscellaneous?

Speaker Fitial: We're under Announcement, but if you want Miscellaneous...

Rep. Apatang: I just would like to ask the Vice-Speaker, the Chairman on PUTC, to find out what's happening with our power plant. We've been experiencing a lot of power outages lately, it seems like we're back in the '80's again.

Vice-Speaker Villagomez: I met with C.U.C. just the other day and there is a mechanical problem with the power plant. The Executive Director has a death in the family so she was not able to come over the other day and I'm hoping she'll be back tomorrow or Monday.

Speaker Fitial: Further Announcements? Chairwoman Maratita.

Chairwoman Maratita: I would like to inform the members of Natural and Resources Committee that we will be meeting on Monday at 2:00 p.m. to address referred bills.

Chairman Ogo: The Committee on Health and Welfare will be meeting tomorrow at 2:00 p.m. with the Family Violence Task Force at the Speaker's Conference Room.

Speaker Fitial: Chairman Lizama?

Chairman Lizama: None at this time, Mr. Speaker.

Speaker Fitial: Ways and Means?

Chairman Palacios: None.

Speaker Fitial: I think a bill was referred back to your Committee today. Can you get together with your Committee and finalize that bill and report it back at our next session which will be on Wednesday at 10:00 a.m.

The Speaker recognized Rep. Attao.

Rep. Attao: Did the Administration submit their budget for fiscal year 2004?

Speaker Fitial: I think very, very soon. Today's the deadline. The House stands recess until April 7, 2004 at 10:00 a.m.

The House adjourned at 12:24 p.m.

Respectfully submitted,

Victoria T. Guerrero, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL 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.