



# House Journal

## FIRST REGULAR SESSION, 2004

Sixth Day

March 2, 2004

The House of Representatives of the Fourteenth Northern Marianas Commonwealth Legislature convened in its **Sixth Day, First Regular Session**, on **Monday, March 2, 2004**, at **9:18 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; Representative Claudio K. Norita was excused, and Representative Martin B. Ada came in late.

Speaker Fitial: A quorum is present for today's session. Representatives Ada and Norita are excused. I received the word that Representative Ada will be coming in late.

### ADOPTION OF JOURNALS

Third Day, First Regular Session Journal (02/11/04)  
Fourth Day, First Regular Session Journal (02/12/04)  
Fifth Day, First Regular Session Journal (02/13/04)

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta moved for the adoption of the Third Day, Fourth Day and Fifth Day, First Regular Session Journals, was seconded and carried by voice vote.

Speaker Fitial: Motion carries.

### PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 14-101: A Bill for an Act to account for fixed assets in capital goods purchased by the Legislative Branch; and for other purposes.

Offered by: Rep. Justo S. Quitugua and six others  
Referred to: Committee on Judiciary & Governmental Operations

H. B. NO. 14-102: A Bill for an Act to segregate the waived salaries of certain elected officials by senatorial district; and for other purposes.

Offered by: Rep. Justo S. Quitugua and seven others  
Referred to: Committee on Judiciary & Governmental Operations

H. B. NO. 14-103: A Bill for an Act to amend Chapter 1 of Division 2 of Title 9 of the Commonwealth Code to add a new Section 2116; and for other purposes.

Offered by: Rep. David M. Apatang and three others  
Referred to: Committee on Judiciary & Governmental Operations

H. B. NO. 14-104: A Bill for an Act to require that CUC bear the cost of connecting residential dwellings to its water, sewer and electrical power systems by amending 4 CMC § 8123(m).

Offered by: Rep. Justo S. Quitugua and three others  
Referred to: Committee on Public Utilities, Transportation & Communications

H. B. NO. 14-105: A Bill for an Act to re-appropriate certain fund balances under Public Law Nos. 11-111 and 13-2 for the construction of bleachers at the basketball courts in Tanapag, San Roque, and As Matuis.

Offered by: Rep. Justo S. Quitugua  
Referred to: Committee on Ways & Means

H. B. NO. 14-106: A Bill for an Act 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 collectors may assess consumer debtors; and for other purposes.

Offered by: Rep. David M. Apatang and four others  
Referred to: Committee on Judiciary & Governmental Operations

H. L. B. NO. 14-107: A Bill for an Act to exempt the Department of Public Health from the two-year working experience required under the Nonresident Workers Act, specifically 3 CMC § 4434(b)(1), for the recruitment and employment of nurses.

Offered by: Rep. Crispin M. Ogo  
Referred to: Committees on Health & Welfare and Education

H. B. NO. 14-108: A Bill for an Act to promote re-investment in the Commonwealth of the Northern Mariana Islands (CNMI) by leveraging CNMI Government deposits with qualified financial and lending institutions licensed and doing business in the CNMI; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero and six others  
Referred to: Committee on Ways & Means

H. B. NO. 14-109: A Bill for an Act to amend 4 CMC § 2124(m) to clarify the expenditure authority for the Marianas Visitors Authority to include promotional expenses; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero and four others

Referred to: Committee on Commerce & Tourism

H. B. NO. 14-110: A Bill for an Act to amend Public Law 12-61 to mandate that all deposits of public funds made by the CNMI Government, including deposits of autonomous agencies are fully protected and secured or collateralize against unwarranted risks by pledging deposits at 120 percent of bank assets; and for other purposes.

Offered by: Rep. Joseph P. Deleon Guerrero and six others  
 Referred to: Committee on Ways & Means

H. B. NO. 14-111: A Bill for an Act to require MPLA to establish commercial permit fees for mining on public lands under its jurisdiction based on a value assessment by amending Section 104 of Public Law 12-33 to insert a new subsection (g).

Offered by: Rep. Arnold I. Palacios and two others  
 Referred to: Committee on Natural Resources

H. B. NO. 14-112: A Bill for an Act to restrict the planting of tress and other such vegetables below and around power lines and facilities; and for other purposes.

Offered by: Rep. Arnold I. Palacios and one other  
 Referred to: Committee on Public Utilities, Transportation & Communications

H. B. NO. 14-113: A Bill for an Act to provide criminal penalties for anyone who steals, defaces, vandalizes, or destroys a street sign; and for other purposes.

Offered by: Rep. Ramon A. Tebuteb and seven others  
 Referred to: Committee on Judiciary & Governmental Operations

H. B. NO. 14-114: A Bill for an Act to provide a 120-day amnesty period for the filing of delinquent returns under Title 4, Chapters 2, 3, 4, 5 and 7, Division 1 of the Revenue and Taxation Act of 1982, as amended, and the payment of delinquent taxes without imposition of penalty and interest, with certain exemptions and for the waiver of penalty for failure to obtain a business license; and for other purposes.

Offered by: Rep. Oscar M. Babauta and one other  
 Referred to: Committee on Ways & Means

H. B. NO. 14-115: A Bill for an Act to establish a Limited Authority Peace Officer Standard in the Commonwealth of the Northern Mariana Islands and to amend 6 CMC § 2203, 1 CMC § 8282, 1 CMC § 7406 (a)(3) and 6 CMC § 1434; and for other purposes.

Offered by: Rep. Oscar M. Babauta and two others  
 Referred to: Committee on Judiciary & Governmental Operations

H. B. NO. 14-116: A Bill for an Act to establish a Parole Supervision Assessment Fees Program in the Office of the Board of Parole; and for other purposes.

Offered by: Rep. Oscar M. Babauta and two others  
Referred to: Committee on Judiciary & Governmental Operations

H. B. NO. 14-117: A Bill for an Act to repeal and re-enact 1 CMC Section 8131(a)(15) relating to the personnel and staff of the Municipal Councils in any Commonwealth Municipality.

Offered by: Rep. Oscar M. Babauta and one other  
Referred to: Committee on Judiciary & Governmental Operations

H. B. NO. 14-118: A Bill for an Act to exempt interests and dividend incomes from the gross revenue tax by amending 4 CMC §§ 1103(k).

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

H. L. B. NO. 14-7: A Local Bill for an Act to appropriate \$65,700.00 from the local license fees for pachinko slot machines and poker machines in the First Senatorial District; and for other purposes. [First Appearance]

Offered by: Rep. Crispin M. Ogo

H. L. B. NO. 14-8: A Local Bill for an Act to appropriate the sum of \$2 million (\$2,000,000) from funds generated under Saipan Local Law 11-2, as amended, for the operations of the Water Task Force; and for other purposes. [First Appearance]

Offered by: Rep. Arnold I. Palacios and four others

H. L. B. NO. 14-9: A Local Bill for an Act to appropriate \$165,000 from Saipan Local Law 11-2; and for other purposes. [First Appearance]

Offered by: Rep. Arnold I. Palacios and five others

H. L. I. NO. 14-1: A House Legislative Initiative to amend Article XV, section 2(a) of the Constitution of the Northern Mariana Islands.

Offered by: Rep. Justo S. Quitugua and three others  
Referred to: Committee on Judiciary & Governmental Operations

H. L. I. NO. 14-2: A House Legislative Initiative to permit the Legislature to provide by law that government retirees may be reemployed as classroom teachers without losing retirement benefits for an unrestricted period of time by amending Article III, section 20(b) of the Constitution of the Northern Mariana Islands.

Offered by: Rep. Justo S. Quitugua and three others  
Referred to: Committees on Judiciary & Governmental Operations and Education

## **PREFILED AND INTRODUCTION OF RESOLUTIONS**

H. R. NO. 14-17: A House Resolution to honor Lorenzo I. Deleon Guerrero, a dedicated servant of the Commonwealth of the Northern Mariana Islands.

Offered by: Rep. Arnold I. Palacios and seventeen others

Rep. A. Palacios: If there's no objection, I'd like this to be sponsored by the Committee of the Whole.

There was no objection.

Speaker Fitial: The subject resolution will be placed on the day's Resolution Calendar for adoption.

H. R. NO. 14-18: A House Resolution to congratulate Roman "Bo" Tenorio Palacios, Jr. for his recognition as a Rainey Congressional Scholar.

Offered by: Rep. Oscar M. Babauta and seventeen others

Floor Leader Babauta: If there's no objection, I wish to place this resolution on the day's calendar.

There was no objection.

Speaker Fitial: So ordered.

H. J. R. NO. 14-5: A House Joint Resolution to request the Honorable Governor Juan N. Babauta and Lt. Governor Diego T. Benavente to lift the austerity measure on the civil service employees' within-grade increase (Part IV.B14); and for other purposes.

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

H. J. R. NO. 14-6: A House Joint Resolution to request the Secretary of Finance and the Director of Personnel to review all CNMI Government employees records who have retired in December and have not received their salary adjustment due to closing of the pay periods set by the Retirement Fund; and for other purposes.

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

Rep. Attao: No objection?

There was no objection.

Speaker Fitial: So ordered. The subject resolutions will be placed on the day's calendar for consideration. If there's no further introduction of resolutions, let's proceed to Item 5, Messages from the Governor.

## **MESSAGES FROM THE GOVERNOR**

GOV. COMM. 14-10 – [2/12/04] – Enclosing a copy of OIA's response clarifying the CIP submittals with a budget of \$500,000.

GOV. COMM. 14-11 – [2/13/04] – Informing the Legislature that he vetoed H. B. NO. 13-21, HS1, SD1 (Public Education on Constitutional Amendments).

There was no discussion.

### SENATE COMMUNICATIONS

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta moved for the acceptance of SEN. COMM. 14-8 thru SEN. COMM. 14-12 subject to the order of the Chair, was seconded and carried by voice vote.

SEN. COMM. 14-8: Return of H. B. NO. 14-72, HD1 (\$100k Appropriation for As Falipe Rd.), which was passed by the Senate without amendments on February 12, 2004. [Before the Governor (02/27/04)]

SEN. COMM. 14-9: Transmittal of S. J. R. NO. 14-04, entitled, “A Senate Joint Resolution authorizing an increase in the number of full-time employment positions for the Legislative Bureau from 35, as authorized under continuing appropriations pursuant to the Appropriations and Budget Authority Act of 2003 (Public Law 13-24), to 45,” which was adopted by the Senate on February 23, 2004. [For action]

SEN. COMM. 14-10: Transmittal of S. R. NO. 14-08, entitled, “A Senate Resolution to urge the Governor to recognize our CMI school counselors by proclaiming and observing February 27, 2004 as ‘CNMI School Counselors Day’,” which was adopted by the Senate on February 23, 2004. [For info]

SEN. COMM. 14-11: Transmittal of S. B. NO. 14-13, entitled, “A Bill for an Act to amend Public Law 13-5 to further clarify and restrict the Marianas Visitors Authority’s exemption from the moratorium on the hiring of nonresident workers mandated by Public Law 11-6; and for other purposes,” which was passed by the Senate on February 23, 2004. [For action]

SEN. COMM. 14-12: Transmittal S. B. NO. 14-25, entitled, “A Bill for an Act to amend 3 CMC § 4331 to lower the amount of requirement investment for the foreign retirement investment certificate and extend duration of entry permits for non-resident senior citizens; and for other purposes,” which was passed by the Senate on February 23, 2004. [For action]

Speaker Fitial: Motion carries. On SEN. COMM. 14-9, I would like to refer that particular communication to the Committee on Judiciary & Governmental Operations for consideration and report back recommendations. SEN. COMM. 14-11 also to the Committee on Judiciary & Governmental Operations and SEN. COMM. 14-12 to the Committee on Commerce & Tourism. We move to House Communications.

### HOUSE COMMUNICATIONS

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta: Thank you. I have a report from Representative Apatang, if there's no objection, I wish to place this as an official communication of the House, Mr. Speaker.

There was no objection.

Speaker Fitial: So ordered. Can we also effectuate a motion to accept the House Communications including the report?

Floor Leader Babauta: So moved, Mr. Speaker.

HSE. COMM. 14-2: From Rep. Apatang informing the Speaker that he will be off-island from February 27-28, 2004.

HSE. COMM. 14-4: From Rep. Apatang submitting his trip report.

The motion was seconded. There was no discussion, and the motion to accept HSE. COMM. HSE. COMM. 14-2 and 14-4, was carried by voice vote.

Speaker Fitial: Motion carries. We also have HSE. COMM. 14-3. Floor Leader, can we effectuate an acceptance motion?

Floor Leader Babauta: So moved, Mr. Speaker.

The motion to accept HSE. COMM. 14-3 was seconded and carried by voice vote.

HSE. COMM. 14-3: From the Speaker to Mr. Walden K. Weilbacher, APIL Secretariat, informing him of the appointment of Vice Speaker Villagomez to serve the remaining term of former Rep. Manuel Tenorio.

Speaker Fitial: Motion carries. We move to Item 11, Other Communications.

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

None

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

None

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

None

#### **OTHER COMMUNICATIONS**

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta moved for the acceptance of MISC. COMM. 14-3 thru MISC. COMM. 14-5, was seconded and carried by voice vote.

MISC. COMM. 14-3 – [2/12/04] – From Mayor Juan B. Tudela enclosing a copy of résumés and financial statements of his appointments to the Saipan Higher Education Financial Scholarship Board.

MISC. COMM. 14-4 – [2/25/04] – From Mayor Juan B. Tudela withdrawing the appointment of Mr. Antonio A. Santos to the Saipan Higher Education Financial Assistance Board and appointing Mr. Howard I. Macaranas as his replacement.

MISC. COMM. 14-5 – [2/23/04] – From Hon. Aren B. Palik, PIDB President and CEO, to the Presiding Officers regarding the appointment of a representative for the PIDB.

Speaker Fitial: Motion carries. We move to Item 12, Reports of Standing Committees.

### **REPORTS OF STANDING COMMITTEES**

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta moved to place Joint S. C. R. NO. 14-1 relative to H. B. NO. 14-3, S. C. R. NO. 14-2 relative to H. B. NO. 14-51, CD1, S. C. R. NO. 14-3 relative to H. B. NO. 14-76 and S. C. R. NO. 14-4 relative to H. B. NO. 14-68 on the calendar, was seconded and carried by voice vote.

Speaker Fitial: Motion carries. Floor Leader.

Floor Leader Bababuta moved for the adoption of Joint S. C. R. NO. 14-1 relative to H. B. NO. 14-3 and was seconded by three others.

Joint S. C. R. NO. 14-1: Reporting on H. B. NO. 14-3, entitled, A Bill for an Act to complement enforcement of Public Law 13-15 (Tobacco Master Settlement Model Escrow Statute); and for other purposes. *Your Committees on Health & Welfare and Ways & Means the passage of the bill.*

Speaker Fitial: Any discussion? Representative Hofschneider.

Rep. Hofschneider: Thank you, Mr. Speaker. I have two comments on each committee report. First, on S. C. R. NO. 14-3...

Speaker Fitial: We're discussing the motion on the adoption of Joint S. C. R. NO. 14-1.

Rep. Hofschneider: Oh, I thought I heard him blanket the approval.

Speaker Fitial: On Joint S. C. R. NO. 14-1.

Rep. Hofschneider: I withdraw.

There was no further discussion, and the motion to adopt Joint S. C. R. NO. 14-1 was carried by voice vote.

Speaker Fitial: Motion carries. Floor Leader.



Floor Leader Babauta moved for the adoption of S. C. R. NO. 14-2 relative to H. B. NO. 14-51, CD1, S. C. R. NO. 14-3 relative to H. B. NO. 14 76, and S. C. R. NO. 14-4 relative to H. B. NO. 14-68 and was seconded by two others.

S. C. R. NO. 14-2: Reporting on H. B. NO. 14-51, entitled, A Bill for an Act to amend Section 5 of Public Law 13-13 by re-appropriating \$400,000 from Public Law No. 13-13 to fund road improvement projects in Precinct IV Saipan and renovation and improvement of the Susupe Beach Park; and for other purposes. *Your Committee on Ways & Means recommends the passage of the bill as amended.*

S. C. R. NO. 14-3: Reporting on H. B. NO. 14-76, entitled, A Bill for an Act to amend Public Law 12-40 regarding Tinian and Rota Capital Improvement Projects; and for other purposes. *Your Committee on Ways & Means recommends the passage of the bill.*

S. C. R. NO. 14-4: Reporting on H. B. NO. 14-68, entitled, A Bill for an Act to regulate the Land Exchange Program; and for other purposes. *Your Committee on Natural Resources recommends the passage of the bill.*

Speaker Fitial: Discussion. Representative Hofschneider.

Rep. Hofschneider: Thank you, Mr. Speaker. Just a clarification on the committee report. This committee report is referenced to H. B. NO. 14-76, which is attempting to amend Public Law 12-40. Public Law 12-40 is an appropriation bill for NMHC's Housing Program to defray the costs of the infrastructure emplaced in Koblerville area. What this bill is attempting to do is essentially give some latitude to – flexibility for the respective delegations of the First and Second Senatorial Districts. I have no problems or qualms on their needs, but I'm somewhat curious to know whether he has received any information as to the status of those bond interests that we're pursuing with a mind set of the appropriation being emplaced. The Committee on Ways & Means or the author, Mr. Speaker.

The Chair recognized Rep. N. Palacios.

Rep. N. Palacios: Mr. Speaker, I have the information from CDA. Public Law 12-40 has been earmarked for Rota and Tinian road project. I guess it's legitimate to me.

Rep. Hofschneider: So they have earmarked based on Public Law 12-40?

Rep. N. Palacios: Yes.

Rep. Hofschneider: What about the subsequent legislation that we passed in the previous Legislature granting half a million dollars for the dialysis for Rota and Tinian from the same account?

Rep. N. Palacios: I didn't see that portion, Representative Hofschneider. I only saw Public Law 12-40 indicating that \$500,000 for Rota and Tinian.

Rep. Hofschneider: Is set aside?

Rep. N. Palacios: Yes.

Rep. Hofschneider: Just so it's clear, Mr. Speaker, that we don't come back and revisit the issue of half a million dollars for the First and Second Senatorial Districts again. We are clear that this appropriation is going to be taking precedence over subsequent laws appropriating the same money on the bond interests. And for the record, Mr. Speaker, that's clear.

Speaker Fitial: The \$500,000 that was appropriated under 13-...

Rep. Hofschneider: Two something.

Speaker Fitial: Right.

Rep. Hofschneider: This is the blackmail bill that the Senate's First and Second Senatorial Districts did on the prison project. It may be humorous but it's going to complicate the First and Second Senatorial Districts. Just so long as your priorities – we don't have any objections on you setting your own priorities, but I want to make it very clear there's only half a million dollars appropriated under the bond interests. Because the way the total bond interests for the \$60 million Capital Improvement Projects is, again, the formulary for the distribution of interests is the same as the formulary used for 702 distribution, one-eighth, one-eighth and the rest for the Third Senatorial District. So when you attempt to re-designate and reprioritize your project, we don't have a problem with that. We made an agreement. We will live up to it but please don't hold us accountable for any shortfall having you set your priorities. We will support you.

Speaker Fitial: I believe that's very clear.

Rep. Hofschneider: And another comment, Mr. Speaker, on S. C. R. NO. 14-4. I know that there is a sunset provision on land exchanges occurring within the senatorial districts and until Marianas Public Lands Authority completes a land use plan, which is long overdue – Mr. Speaker, the Constitution calls for an appropriate timely and updated land use plan. We have not seen any in the last twelve years. The point is in Saipan, the Third Senatorial District, the last time MPLA made an assessment or accounted for all remaining lands in the Third Senatorial District of Saipan that is deemed public land only about 7% to 9% remaining of the total land area belongs to Marianas Public Lands Authority. So logically, any land exchange occurring in the Third Senatorial District that those individuals who wish to go down to the First and Second Senatorial Districts should be accorded. This is one Commonwealth. I know that the drive of this legislation is to prevent the First and Second Senatorial Districts from exchanging into the Third Senatorial District. Let's not kid ourselves. That is the motive behind this bill and I support it. And rightfully so, Mr. Speaker and members, for the author to introduce this but to maximize the assets of public land when the First and Second Senatorial Districts in the early days of our Commonwealth in Tinian, for instance, the Second Senatorial District, during the negotiation and the consummation of the military land lease a lot of the people in Tinian were offered to exchange into Saipan. There were a lot of Rota residents who also took advantage of the opportunity to exchange into Saipan. Whether we made a mistake, no one can say that. Only history will tell us. But the point is, Mr. Speaker, why should we prevent a resident from Saipan who wishes to have property exchange in Tinian and in Rota when there are much more public lands available in that senatorial district. It's not an effective mechanism to just limit the exclusivity of exchanging within that same physical senatorial district because for all

intents and practical purposes Saipan is only holding 7% to 9% of the total land area being deemed public land and is available for land exchanges. Coupled with that, the taxing decision that this body today and in the future is should we continue the \$50 Homestead Program and there are 4,000 individuals waiting for their lots. Now, logic dictates in this sense that this committee report should allude to the possibility of not limiting those individuals who have land exchanges from Saipan to be able to look at the First and Second Senatorial Districts as a potential or possible land compensation. But vice versa doesn't logically work because we have opened the doors and we don't have that much public land and we have a competing priority of living up to the 4,000 individuals waiting to have a homestead. So all in all the legislation is good but only halfway decent. It's not totally offering a corrective measure to relief the crocks of the problem in land compensation. Thank you.

The Chair recognized Rep. Apatang.

Rep. Apatang: Thank you, Mr. Speaker. I just have a few questions on S. C. R. NO. 14-2. Mr. Speaker, the original bill on this, H. B. NO. 13-13 appropriating \$400,000 for a water reservoir in Precinct II. I would just like to clarify whether there is any communication from the CUC Water Division that this money is not needed for a water reservoir in that particular area. I know that we have been experiencing water problems in Chalan Kanoa, Chalan Piao, and San Antonio. I specifically asked CUC to look at this project and if they cannot find public land in this particular area, we have more public lands in Precinct I that we can use this money built a sub-tank to alleviate the water situation in that particular area. Now, I don't mind supporting this project also because I know there is a problem with the road but we'd like to clarify from CUC whether this money is not needed and that the water situation there is now okay.

Speaker Fitial: Representative Quitugua, respond.

Rep Quitugua: Thank you, Mr. Speaker. I personally spoke to Jess Castro from CUC who handles the Water Division right after the meeting here with some of the members of this House and the delegation from CUC and he indicated to me that with the installation of the new water lines in Precinct II, the reservoir is no longer needed. Therefore, he advised me that it's better if we use the money that was appropriated for a more pressing need in Saipan.

Rep. Hofschneider: Point of information, Mr. Speaker.

The Chair recognized Rep. Hofschneider.

Rep. Hofschneider: That's a popcorn that got stuck halfway down my throat because it's ironic that the same person was aggressively pursuing a reservoir and a new water line. This was during the Thirteenth Legislature term. Our good Floor Leader today and former member Andrew Salas – and even drilling is part of that project and now to say that the reservoir, and by the way, the nearest reservoir and our former Executive Director can attest to my statement, correct me is the Dr. Torres reservoir. It may or may not be feeding to the west or rather to the south to Chalan Tun Antonion Apa and then down to Chalan Kanoa. They have a severe water problem. Connecting the new water line does not necessarily bring water down to Chalan Kanoa residents. What needs to be done is the reservoir and it's interesting that the same gentleman would make, in less than six months, a 180-degree turn around and claim that it is no longer needed. Do we have a 24-hour water scenario in your precinct good Floor Leader?

Floor Leader Babauta: No, but...

Rep. Hofschneider: I rest my case.

Floor Leader Babauta: Thank you. Mr. Speaker, may I?

Speaker Fitial: Floor Leader, go ahead.

Floor Leader Babauta: In line with the Congressman's concern, I have also spoken to – the detailed that the \$400,000 that was previously appropriated CUC have taken the initiative to perform the project in house. That means curtailing expenditures of primarily from the CUC Board from travel to use it for the water project. So because the distinguished Representative from Precinct IV requested for assistance to augment some of the Capital Improvement Projects in the northern side, I went ahead with the concurrence of Representative Lizama and agreed to the re-appropriated sum to augment his request. And because there is also a need for one of our Precinct II dilapidated facilities, the first beach park that we went ahead and re-appropriated the funds to address the concerns and the hazardous problem with the Susupe Regional Park. I was told that the couple of wells that were dug up in As Perdido area are functioning well. We've seen a lot of improvement in terms of water delivery down to Chalan Kanoa and to most of parts in Susupe. It is interconnected from the San Jose Beach Road south to the Chalan Piao distribution line. Thank you, Mr. Speaker.

Rep. Hofschneider: Mr. Speaker, for the last time.

Speaker Fitial: Representative Hofschneider, for the last time.

Rep. Hofschneider: I think the Vice Speaker can give us a lecture on the reality of what the water situation is in Saipan. Just last week, Mr. Speaker and members, the Executive Branch through the formation of the war on water situation is looking for \$4 million to resolve the critical needs of getting potable water to residences. Not all the villages have 24-hour water. Now, this is \$400,000 that the oldest community, Chalan Kanoa, has been asking for decent water hours. That's all they're asking – decent water hours. And coupled with the knowledge that the Administration is looking for \$4 million to deal with the water problem, I am reluctant in fact to support that because it took a great deal of trying to find money for Precinct II for this water project. And like the Water Task Force have claimed in their report, most of the wells dug over the years have over pumped the groundwater lens. It's only a matter of time for those wells that are producing for Chalan Kanoa and Precinct II to start over pumping. A reservoir would give a rest with a consistent water pressure when you shut off the pump and you fill the water reservoir. That's the logic behind the USGS emplacing the water tanks or reservoirs all throughout the islands. But, I guess we have to concede to the good Floor Leader giving up hard cash.

Floor Leader Babauta: Not really hard cash, Mr. Speaker.

Speaker Fitial: Vice Speaker, you wish to shed some...

Vice Speaker Villagomez: Just a short comment, Mr. Speaker. Rightfully so, Representative Hofschneider is right. But if you look at the amount, first it's not enough to drill wells. Second, it's not even enough to design and construct a water reservoir so maybe the intent is to try to use this

money elsewhere and if the \$400,000 was originally intended, it will never achieve what Public Law 13-13 was aimed at.

Rep. Hofschneider: How much is half a million gallons tank?

Vice Speaker Villagomez: About \$500,000.

Rep. Hofschneider: We're \$400,000 there. What we need is \$100,000. Correct?

The Chair recognized Rep. Apatang.

Rep. Apatang: Thank you again, Mr. Speaker. My concern here is that there is nothing from CUC that's showing us on this committee report that they don't need this money to improve the water situation in that particular area. We have in CUC's word that 24-hour water in San Antonio, Chalan Piao and part of Chalan Kanoa but if you turn your faucet on at 9:00 at night you don't get anything out of it. This is my concern here. I want CUC to give us in writing that they don't need this money to upgrade any water facility in Precinct I or Precinct II. We just completed the hook up from As Lito to alleviate the water situation in Precinct II down to Tun Doi's Road. Now, if they don't need this money, I'd like to know because I've been hollering about water problem in that area. Now, I don't mind supporting the bill for my good colleague in Precinct IV because he needs his road fixed too, but first we have to make sure that there is water available for our people in that particular area. Thank you.

The Chair recognized Rep. A. Palacios.

Rep. A. Palacios: Thank you, Mr. Speaker. A lot has been said already, but I just introduced a bill this morning to help fund the Water Task Force in the amount of \$2 million. That funding is to contribute to the overall requirement of fixing the water system on this island. One of the components of the study that was done by the Army Corps of Engineers is reservoir, and like Congressman Hofschneider have said, it is very important that when you dig wells one of the problems with over pumping is because of the lack of reservoir. Also, in that particular area, one of the reservoir that have served that particular area even the As Lito is the reservoir at Dr. Torres Hospital. That capacity has declined because of leakage in that reservoir. Perhaps, CUC should have taken a look at repairing and renovating that reservoir. Like most of the other Representatives, Mr. Speaker, I do not have any problem supporting projects for Precinct IV. But it kind of amazes me how we shift from a very important commodity basically scraping, we basically scraped the bottom of the barrel in the last Legislature to accommodate this water situation in Precinct II, in Chalan Kanoa and overnight we're going to shift and take it out from there. I hope that we don't come to back to re-appropriating or appropriating another half a million dollars for water reservoir in Precinct II because we have taken the money away – something to consider, Mr. Speaker.

Rep. Attao: Mr. Speaker, can we hear from Representative Lizama if he concurred the \$400,000 to be transferred to Precinct IV?

Speaker Fitial: It's your prerogative. You wish to add fuel to the fire?

Floor Leader Babauta: Concurred, Mr. Speaker.

Rep. Lizama: Mr. Speaker, as everybody spoke about water problems, I, for one, Mr. Speaker, agree that the people of Chalan Kanoa deserves to have good water. But just like my good colleague Vice Speaker said that the \$400,000 is not enough for the water reservoir. Thank you, Mr. Speaker.

Speaker Fitial: Ready?

Several members voiced, “ready.”

Speaker Fitial: Okay. This is...

Rep. Hofschneider: Roll call, Mr. Speaker.

Speaker Fitial: This is a vote on the motion to adopt the three standing committee reports. We were supposed to only discuss the merit of the committee report and wait until we get down to Bill Calendar to discuss the merit of the bill, but since we were very much advanced this morning we tend to sway.

There was no further discussion, and the motion to adopt S. C. R. NO. 14-2, S. C. R. NO. 14-3 and S. C. R. NO. 14-4 was carried by voice vote.

Speaker Fitial: Motion carries. We move to Item 15, Resolution Calendar.

## **REPORTS OF SPECIAL AND CONFERENCE COMMITTEES**

None

## **UNFINISHED BUSINESS**

None

## **RESOLUTION CALENDAR**

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, earlier there was no objections from the members in placing the four resolutions on the calendar. With that, Mr. Speaker, motion for suspension on Rule VII, Section 9 so that we may adopt H. R. NO. 14-17, H. R. NO. 14-18, H. J. R. NO. 14-5 and H. J. R. NO. 14-6.

The motion was seconded and carried by voice vote.

Speaker Fitial: Motion carries. Floor Leader.

Floor Leader Babauta moved for the adoption of H. R. NO. 14-17 and H. R. NO. 14-18, was seconded and carried by voice vote.

H. R. NO. 14-17: A HOUSE RESOLUTION TO HONOR LORENZO I. DELEON GUERRERO, A DEDICATED SERVANT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

H. R. NO. 14-18: A HOUSE RESOLUTION TO CONGRATULATE ROMAN “BO” TENORIO PALACIOS, JR. FOR HIS RECOGNITION AS A RAINEY CONGRESSIONAL SCHOLAR.

Speaker Fitial: Motion carries.

Floor Leader Babauta: Mr. Speaker.

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta: I’d just like to request the indulgence of the members that we allow the clerk to make a technical typo, error on line 2 of H. R. NO. 14-18 to be consistent with the subsequent line on the bottom the word “Price” after “Deborah”.

Speaker Fitial: If there’ no objection, the clerk have that duty.

There was no objection.

Floor Leader Babauta: Thank you, Mr. Speaker.

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta moved for the adoption of H. J. R. NO. 14-5 and H. J. R. NO. 14-6, was seconded and carried by voice vote.

H. J. R. NO. 14-5: A HOUSE JOINT RESOLUTION TO REQUEST THE HONORABLE GOVERNOR JUAN N. BABAUTA AND LT. GOVERNOR DIEGO T. BENAVENTE TO LIFT THE AUSTERITY MEASURE ON THE CIVIL SERVICE EMPLOYEES’ WITHIN-GRADE INCREASE (PART IV.B14); AND FOR OTHER PURPOSES.

H. J. R. NO. 14-6: A HOUSE JOINT RESOLUTION TO REQUEST THE SECRETARY OF FINANCE AND THE DIRECTOR OF PERSONNEL TO REVIEW ALL CNMI GOVERNMENT EMPLOYEES RECORDS WHO HAVE RETIRED IN DECEMBER AND HAVE NOT RECEIVED THEIR SALARY ADJUSTMENT DUE TO CLOSING OF THE PAY PERIODS SET BY THE RETIREMENT FUND; AND FOR OTHER PURPOSES.

Speaker Fitial: Motion carries. We move to Bill Calendar.

### **BILL CALENDAR**

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta moved for the suspension of Rule IX, Sections 9, 10 and 11 for passage of H. B. NO. 14-51, CD1 relative to S. C. R. NO. 14-2, H. B. NO. 14-76 relative to S. C. R. NO. 14-3, H. B. NO. 14-68 relative to S. C. R. NO. 14-4 and H. B. NO. 14-3 relative to Joint S. C. R. NO. 14-1, was seconded and carried by voice vote.

Speaker Fitial: Motion carries. Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. So moved for the passage, Mr. Speaker, of H. B. NO. 14-3 under Joint S. C. R. NO. 14-1.

The motion was seconded.

H. B. NO. 14-3: A BILL FOR AN ACT TO COMPLEMENT ENFORCEMENT OF PUBLIC LAW 13-15 (TOBACCO MASTER SETTLEMENT MODEL ESCROW STATUTE); AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion.

Several members voiced, “ready.”

Speaker Fitial: Roll call.

The roll called on the motion to pass H. B. NO. 14-3 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	yes
Rep. Heinz S. Hofschneider	yes
Rep. Jesus SN. Lizama	yes
Rep. Janet U. Maratita	yes
Rep. Claudio K. Norita	excused
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Norman S. Palacios	yes
Rep. Justo S. Quitugua	yes
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. 14-3 is passed. Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. I move for the passage on First and Final Reading H. B. NO. 14-51, CD1 under S. C. R. NO. 14-2.

The motion was seconded.

H. B. NO. 14-51, CD1: A BILL FOR AN ACT TO AMEND SECTION 5 OF PUBLIC LAW 13-13 BY RE-APPROPRIATING \$400,000 FROM PUBLIC LAW NO. 13-13 TO FUND ROAD IMPROVEMENT PROJECTS IN PRECINCT IV SAIPAN AND RENOVATION AND IMPROVEMENT OF THE SUSUPE BEACH PARK; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion. Representative Attao.

Rep. Attao: Thank you, Mr. Speaker. I have a written floor amendment to offer.

The motion was seconded.



The written floor amendment offered by Representative Attao to H. B. NO. 14-51, CD1 is as follows:

On page 1, Section 2, subsection a(2), line 8 after the word Saipan, delete period and insert under the expenditure authority of the Secretary of the Department of Public Works or his authorized designee. Funds appropriated by this Act shall be available without fiscal year limitation until expended.

Section 2, subsection b(3), line 18 after the designee period, insert Funds appropriated by this Act shall be available without fiscal year limitation until expended.

Speaker Fitial: Can we take a very, very short recess just so that we can make copies of the floor amendment offered by Representative Attao?

Floor Leader Babauta: It's passed out, Mr. Speaker.

Speaker Fitial: It's already passed? Okay. A floor amendment has been offered by Representative Attao. It has been seconded. Discussion. Representative Hofschneider.

Rep. Hofschneider: Likewise, do we know that Section 8, item 2 of the bill have similar language? Or should we? The project itself is going to take sometime. It may have to be reprogrammed. If it is not appropriate, then I rest.

Floor Leader Babauta: It's not appropriate.

There was no further discussion, and the written floor amendment offered by Representative Attao to H. B. NO. 14-51, CD1 was carried by voice vote.

Speaker Fitial: Motion carries. We're now voting on the main motion to pass H. B. NO. 14-51, CD1, HD1. Roll call.

The roll called on the motion to pass H. B. NO. 14-51, CD1, HD1 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	yes
Rep. Heinz S. Hofschneider	yes
Rep. Jesus SN. Lizama	yes
Rep. Janet U. Maratita	yes
Rep. Claudio K. Norita	excused
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Norman S. Palacios	yes
Rep. Justo S. Quitugua	yes
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. 14-51, CD1, HD1 passes the House on First and Final Reading. Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. I move for the passage on First and Final Reading H. B. NO. 14-76 under S. C. R. NO. 14-3.

The motion was seconded.

H. B. NO. 14-76: A BILL FOR AN ACT TO AMEND PUBLIC LAW 12-40 REGARDING TINIAN AND ROTA CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion.

Several members voiced, “ready.”

Speaker Fitial: Roll call.

The roll called on the motion to pass H. B. NO. 14-76 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	yes
Rep. Heinz S. Hofschneider	yes
Rep. Jesus SN. Lizama	yes
Rep. Janet U. Maratita	yes
Rep. Claudio K. Norita	excused
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Norman S. Palacios	yes
Rep. Justo S. Quitugua	yes
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. 14-76 passed the House on First and Final Reading unanimously. Floor Leader.

Floor Leader Babauta: Thank you, Mr. Speaker. I move to pass on First and Final Reading H. B. NO. 14-68 under S. C. R. NO. 14-4.

The motion was seconded.

H. B. NO. 14-68: A BILL FOR AN ACT TO REGULATE THE LAND EXCHANGE PROGRAM; AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion. Representative Hofschneider.

Rep. Hofschneider: Again, Mr. Speaker, I raise a possible solution to mitigate the diminishing land exchange in Saipan, the Third Senatorial District. I just want to pose that to the floor and the members since we do not have enough land in the Third Senatorial District, there is a potential for individuals to be compensated if they so desire to exchange down to Rota and Tinian, the First and Second Senatorial Districts. This would not accommodate those individuals to pursue a land exchange that they would prefer to have a land exchange in Rota and Tinian. So that's an offer that – where a solution to the diminishing public lands in the Third Senatorial District, but I rest that offer to the floor. Thank you.

Speaker Fitial: Any further discussion on the passage motion?

Several members voiced, “ready.”

Speaker Fitial: Okay. Roll call.

The roll called on the motion to pass H. B. NO. 14-68 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	yes
Rep. Heinz S. Hofschneider	yes
Rep. Jesus SN. Lizama	yes
Rep. Janet U. Maratita	yes
Rep. Claudio K. Norita	excused
Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Norman S. Palacios	yes
Rep. Justo S. Quitugua	yes
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. 14-68 passes the House on First and Final Reading 17-0.

### MISCELLANEOUS BUSINESS

Speaker Fitial: At this time, I would like to ask the Floor Leader to effectuate to resolve into the Committee of the Whole? We have presentation of resolutions.

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

The House went into Committee of the Whole at 10:13 a.m.

**COMMITTEE OF THE WHOLE**

The House returned to plenary session at 10:23 a.m.

Speaker Fitial: Motion carries. We're still on Miscellaneous Business. Any miscellaneous excitement? Floor Leader.

Floor Leader Babauta: Mr. Speaker, on a personal note, I just wish to thank the members, their families and the employees of this House for their prayers regarding the speedy recovery of my son on my recent trip to Hawaii. Thank you.

Speaker Fitial: I've been advised by Representative Benjamin Seman that he will be presenting another resolution tomorrow. So, we will reconvene tomorrow at 10:00 a.m. and before the 10:00 a.m. session, the resolution will be presented. So no further miscellaneous? Any announcements? The House stands recess until tomorrow at 10:00 a.m.

**ANNOUNCEMENTS**

None

The House adjourned at 10:23 a.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk  
House of Representatives

---

**APPEARANCE OF LOCAL BILLS**

None