HOUSE OF REPRESENTATIVES • FOURTEENTH LEGISLATURE • COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

House Journal

FIRST REGULAR SESSION, 2004

Seventh Day **March 3, 2004**

The House of Representatives of the Fourteenth Northern Marianas Commonwealth Legislature convened in its Seventh Day, First Regular Session, on Wednesday, March 3, 2004, at 10:07 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. Seventeen members were recorded present; Representative Joseph P. Deleon Guerrero came in late.

Speaker Fitial: A quorum is present for this morning's session. Representative Deleon Guerrero is excused. At this time, I would like the Floor Leader to effectuate a motion to resolve into the Committee of the Whole.

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

Speaker Fitial: Motion carries.

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

COMMITTEE OF THE WHOLE

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

Speaker Fitial: We're back to our plenary session.

ADOPTION OF JOURNALS

Sixth Day, First Regular Session Journal (3/2/04)

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta moved for the adoption of the Sixth Day, First Regular Session Journal, and was seconded by several others.

Speaker Fitial: Discussion.

Several members voiced, "ready."

Speaker Fitial: I'd like the record to reflect that Representative Deleon Guerrero is present.

Rep. Deleon Guerrero: Thank you, Mr. Speaker. That's all.

There was no further discussion, and the motion to adopt the Sixth Day, First Regular Session Journal was carried by voice vote.

Speaker Fitial: Motion carries.

PREFILED AND INTRODUCTION OF BILLS

H. B. NO. 14-119: A Bill for an Act to amend 1 CMC §2605 by adding a new subsection (z) regarding Department of Public Health fees.

Offered by: Rep. Timothy P. Villagomez and one other
Referred to: Committee on Health & Welfare

H. B. NO. 14-120: A Bill for an Act to repeal Subsection 2304(b) of 9 CMC Division 2; and for other purposes.

Offered by: Rep. Oscar M. Babauta and two others
Referred to: Committee on Commerce & Tourism

H. B. NO. 14-121: A Bill for an Act to amend Sections 4202, 4203 and 4252 of Public Law 12-41; and for other purposes.

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

H. B. NO. 14-122: A Bill for an Act to authorize the withholding of income derived in the Commonwealth to enforce support orders, to make all missed support payments automatic judgments, and to provide for mandatory medical support; and for other purposes.

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

H. L. B. NO. 14-10: A Local Bill for an Act to rename the little league baseball field in Liyo, Rota, and for other purposes. [First Appearance]

Offered by: Rep. Crispin M. Ogo

H. L. B. NO. 14-11: A Local Bill for an Act to name the new prison facility in honor of the late Vicente Taman Seman; and for other purposes. [First Appearance]

Offered by: Rep. David M. Apatang and three others

PREFILED AND INTRODUCTION OF RESOLUTIONS

H. R. NO. 14-19: A House Resolution requesting the hiring authorities for the Commonwealth government to strictly adhere to the policy expressly provided in the Nonresident Workers Act, 3 CMC § 4411(a), that Commonwealth residents as defined by law be accorded preference in employment in the Commonwealth government and to submit the required reports on their respective manpower and education plans to phase out the hiring on nonresident workers in accordance with 3 CMC § 4434(i) as amended by P. L. No. 12-34.

Offered by: Rep. Claudio K. Norita and eight others

H. J. R. NO. 14-7: A House Joint Resolution requesting Mr. Anthony J. Principi, United States Department of Veterans Affairs Secretary, to consider the possibility of opening an outpatient clinic in the CNMI or within the CNMI Department of Public Health in order to provide services to all eligible United States veterans and their family members living in the CNMI.

Offered by: Rep. David M. Apatang and five others

H. J. R. NO. 14-8: A House Joint Resolution urging the Office of the Governor, the Department of Lands and Natural Resources and the Division of Fish & Wildlife to assist in re-establishing the Giant Clam Proposal Project.

Offered by: Rep. Martin B. Ada
Referred to: Committee on Natural Resources

Speaker Fitial: Any more resolutions for introductions? If none, and if there's no objection, I'd like to place those resolutions on the day's order of business for consideration.

There was no objection.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 14-12 – From Lt. Governor Benavente with regard to appointments to several executive branch committees that include the legislature's participation.

Speaker Fitial: There are three appointments that I will be making in response to the Lieutenant Governor's request. One will be to serve in the Water Task Force. Another one will be for the Solid Waste Task Force and the last one is for the 60th Commemoration Committee. The leadership has discussed this request and I would like to ask the Vice Speaker to announce the appointments.

Vice Speaker Villagomez: Thank you, Mr. Speaker. For the Solid Waste Force, at the request of the Lieutenant Governor and concurred by the leadership, I'd like to reappoint Representative Arnold Palacios. For the 60th Commemoration Steering Committee, I think it's appropriate that we nominate our veteran, the Honorable Representative David Apatang and for the Water Task Force, myself, Mr. Speaker.

Speaker Fitial: Thank you. If there's no objection from….

There was no objection.

Rep. Apatang: Thank you for the nomination and appointment.

Speaker Fitial: We move to Senate Communications.

SENATE COMMUNICATIONS

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta moved for the acceptance of SEN. COMM. 14-13, was seconded and carried by voice vote.

SEN. COMM. 14-13: Transmittal of S. B. NO. 14-04, entitled, "To amend 2 CMC §§ 4302(a)(2) and 4308 to create a waiver of the homestead residential dwelling construction requirement for periods when public utilities are not available; to amend 2 CMC § 4303(c) to permit otherwise qualified off-island students, armed forces members and their accompanying spouses to acquire rights to a homestead; and for other purposes," which was passed by the Senate on February 23, 2004. [For action]

Speaker Fitial: Motion carries. I'd like to refer this Senate Communication to the Committee on Natural Resources.

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT. & AGENCY COMM. 14-3 – 2/26/04] – From Mr. Carlos Salas, CPA Executive Director, inviting the Speaker to the initial opening of the 2004 Pacific Aviation Workshop in April.

There was no discussion.

OTHER COMMUNICATIONS

MISC. COMM. 14-6 – [2/25/04] – From Mr. Mark Erwin, President and CEO of Continental Micronesia, expressing appreciation to the Speaker in attending the Pacific Aviation Advisory Council in Guam.

There was no discussion.

REPORTS OF STANDING COMMITTEES

The Chair recognized Floor Leader Babauta.

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

S. C. R. NO. 14-5: Reporting on H. B. NO. 14-32, entitled, "A Bill for an Act to reprogram and re-appropriate $10,146 from P.L. 9-1; $3,071 from P.L. 11-43 and $11,108 from P.L. 12-49 CIP funds for the Beach Road Roadside beautification project in Precinct II; and for other purposes." *Your Committee on Ways and Means recommends passage of the bill as amended.*

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

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

Floor Leader Babauta: Mr. Speaker, can we take a two-minute recess to await the copies?

Speaker Fitial: Recess.

The House recessed at 10:31 a.m.

RECESS

The House reconvened at 10:41 a.m.

Speaker Fitial: The House shall reconvene. Resolution Calendar, I recognize the Floor Leader.

Floor Leader Babauta moved for the suspension of Rule VII, Section 9, Rule IX, Sections 9, 10 and 11 for the adoption of H. R. NO. 14-19, H. J. R. NO. 14-7 and H. J. R. NO. 14-8, was seconded and carried by voice vote.

Speaker Fitial: Motion carries. Adoption motion.

Floor Leader Babauta moved for the adoption of H. R. NO. 14-19 and was seconded by several others.

H. R. NO. 14-19: A HOUSE RESOLUTION REQUESTING THE HIRING AUTHORITIES FOR THE COMMONWEALTH GOVERNMENT TO STRICTLY ADHERE TO THE POLICY EXPRESSLY PROVIDED IN THE NONRESIDENT WORKERS ACT, 3 CMC § 4411(A), THAT COMMONWEALTH RESIDENTS AS DEFINED BY LAW BE ACCORDED PREFERENCE IN EMPLOYMENT IN THE COMMONWEALTH GOVERNMENT AND TO SUBMIT THE REQUIRED REPORTS ON THEIR RESPECTIVE MANPOWER AND EDUCATION PLANS TO PHASE OUT THE HIRING ON NONRESIDENT WORKERS IN ACCORDANCE WITH 3 CMC § 4434(I) AS AMENDED BY P. L. NO. 12-34.

Speaker Fitial: Discussion. Representative Hofschneider.

Rep. Hofschneider: Mr. Speaker, the author should be commended for this resolution re-emphasizing the importance of the current statute, which defines the purpose of nonresidents in the Commonwealth and that should be continually re-emphasized. It is a fact that many times we see advertisements in the papers, as required under the law, that available positions for employments both, in the government and the private sector when it comes to nonresident is merely for formalities. How many times do we hear that these formalities are condoned by this government? It is quite interesting if you sit back and realize how many of our own people are still looking for a job and a lot of them have, in fact, followed the encouragement of the past to get a higher education. They have done so, yet opportunities are denied. We should re-emphasize and continue to re-emphasize the fact that the law that accommodates or extends the privilege of employing nonresidents in the Commonwealth is temporary in nature until such time that we have evolved into having our own human resources adequately enough – the squander is in the premise of competing at the rate of economic development. The more economic development, the more human resources needs. And for that reason, no one can provide the truth to the fact that we still have our own people unemployed in spite of 30,000 opportunities. Thirty thousand is what the last census has enumerated when it comes to nonresident presence in the Commonwealth – that's 30,000 opportunities. But let's not stop here in re-emphasizing what the law stipulates – the temporary nature of the privilege of hiring nonresidents. There are collateral components to employment – minimum wage is one; a healthier business environment is another. Both or several of these collateral components must simultaneously be addressed. You cannot address this particular section of the law in and of itself because you will find difficulties for businesses to hire the right person with the right skill. Our educational system in the Commonwealth has severely deprived our people both in the secondary level and in the postsecondary level. We have no institution in which to retool people to be emplaced in replacing nonresidents. There are a lot of opportunities and a lot of encouragement that need to accompany these and politics, as usual, be as it may, Mr. Speaker, is one issue that everyone is encouraged to put aside – the politics of this issue. One only needs drive around the community and you find people in desperation. Either the educational system has failed them or we failed them to provide an alternative to being retooled or to be educated and armed with a need to a new skill so that they can supplement or replace permanently those individuals that have availed themselves of the Nonresident Act. And for that, Mr. Speaker, this is a very good resolution. It should be accompanied with other concerns and efforts concerning the collateral implications of employment. Thank you.

Speaker Fitial: Further discussion?

Several members voiced, "ready."

Rep. Hofschneider: Mr. Speaker, on the giant clam – oh, I withdraw.

There was no further discussion, and the motion to adopt H. R. NO. 14-19 was carried by voice vote.

Speaker Fitial: Motion carries. Floor Leader.

Floor Leader Babauta moved for the adoption of H. J. R. NO. 14-7 and H. J. R. NO. 14-8 and was seconded by several others.

H. J. R. NO. 14-7: A HOUSE JOINT RESOLUTION REQUESTING MR. ANTHONY J. PRINCIPI, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS SECRETARY, TO CONSIDER THE POSSIBILITY OF OPENING AN OUTPATIENT CLINIC IN THE CNMI OR WITHIN THE CNMI DEPARTMENT OF PUBLIC HEALTH IN ORDER TO PROVIDE SERVICES TO ALL ELIGIBLE UNITED STATES VETERANS AND THEIR FAMILY MEMBERS LIVING IN THE CNMI.

H. J. R. NO. 14-8: A HOUSE JOINT RESOLUTION URGING THE OFFICE OF THE GOVERNOR, THE DEPARTMENT OF LANDS NATURAL RESOURCES AND THE DIVISION OF FISH & WILDLIFE TO ASSIST IN RE-ESTABLISHING THE GIANT CLAM PROPOSAL PROJECT.

Speaker Fitial: Discussion. Representative Hofschneider.

Rep. Hofschneider: This is a good idea, Mr. Speaker. I also want to applaud the author. This is one way of supplementing the shortfall of medical staff at the hospital. If we have one, that's one more than what we have today. When it comes to the Department of Veterans Affairs, I think it's a tremendous improvement in our health care when it comes to having a physician, not necessarily opening a clinic different from CHC, but to be part of the CHC umbrella would be a tremendous service to the people and those who are entitled to the veterans program. Thank you.

Speaker Fitial: Further discussion? Representative Tebuteb.

Rep. Tebuteb: Thank you, Mr. Speaker. This is on the giant clam. We just adopted a resolution on the effect of nonresident workers and here we're going to adopt another resolution and I would like to find out, maybe from the author, on the non-indigenous species effect into the CNMI. Do we have any information on that? And I'm also looking at lines 8 thru 15. On line 15, we have this project focusing only on importation. On line 8 it establishes a breeding population. What are we looking at?

Speaker Fitial: Representative Ada, please respond.

Rep. Ada: Thank you, Mr. Speaker, and thank you colleague Tebuteb, for that very important concern. As you see, the title of the resolution says re-establishing the Giant Clam Proposal Project basically tells you that we once had a pilot project on the establishment of the Clam Proposal and unfortunately two-legged creatures started harvesting these clams before they even came to maturity, which takes about 10 to 15 years. I've been there – I've seen it. The President of Palau is ready to give us those 1,000 live clams. All we need is the green light from the Secretary of the Department of Lands and Natural Resources.

Rep. Tebuteb: So, in lieu of that, we're saying that the impact on the non-indigenous species, which is the giant clam, is on the two-legged creature?

Rep. Ada: What I'm trying to say is that poachers harvested the clams before they were even ready for harvesting.

Rep. Tebuteb: Any more scientific explanation besides the two-legged creature on the indigenous species that we're going to bring into our waters?

Rep. Ada: The success rate for this is 70%, sir.

Rep. Tebuteb: We have that?

Rep. Ada: I was even briefed on how these giant clams on their early stages would be protected. The cost to implement this in our conservation area such as the suggested ones would be Managaha, Forbidden Island, and Bird Island.

Rep. Tebuteb: What I'm trying to drive at is the impact on the indigenous creatures versus bringing in the non-indigenous creatures besides the two-legged creature.

Rep. Ada: What are you trying to say, Representative Tebuteb? Can you term it in simple English?

Rep. Tebuteb: Would it have an effect on the local creatures….

Rep. Ada: The local population, the people – are you talking about….

Rep. Tebuteb: local species that you're going to….

Rep. Ada: Oh, you're talking – what effect would this have on the other clams or other marine species or animals?

Rep. Tebuteb: Yes.

Rep. Ada: Okay, thank you. Like I said, it was successful. It had no effect on other creatures. As a matter of fact, they tried in our waters and like I said, the success rate was 70% to 80%.

Rep. Tebuteb: How would it try when you said that it was the two-legged creatures that destroy them?

Rep. Ada: What I was trying to say was that poachers were harvesting the clams even before they reached the 5-year reproduction period – maturity period. I believe, Mr. Speaker, that we should get this going. The President of the Senate is supporting this House Joint Resolution otherwise we would not be presenting it here on the floor. We have made contact with the – we just hope that the new Secretary of DLNR would support this. We didn't have the backing of the previous Secretary, so it's really embarrassing to see the President of Palau come to Saipan last year and say that we're ready to give the CNMI 1,000 species of live giant clams for your establishment of the Giant Clam Project and then just leave it there – leave the offer hanging. And it's really embarrassing because he is ready to give and, as a matter of fact, it's even less than $1,000 to bring those clams over – on our part, the cost for bringing it over.

The Chair recognized Rep. A. Palacios.

Rep. A. Palacios: Thank you, Mr. Speaker. Maybe I can add another fuel to this fire. I was a Director of the Division of Fish & Wildlife when the Republic of Palau offered to give us, I believe 5,000 seedlings, and also through an Aquaculture Program in the past out of the University of Hawaii, we were also given 3-year old seedlings. I think that was what Representative Ada is referring to in the past. In the past, we also have a program that was funded through the University of Hawaii Pacific Aquaculture Association. We had a program that was funded. One of the reasons

why it did not really establish is because of the frequent storms that we have. So even if we seeded, we were able to see at certain areas of our lagoons, but when we were monitoring them after the storm, they disappeared either from the storm or from poaching. I have since talked to the Director of the Division of Fish & Wildlife about this issue because in the Thirteenth Legislature, the good Representative from Precinct I was very keen on this project. So I asked Mr. Seman what is the problem and the biologists were to seriously determine whether there is a potential danger of pathogens from these species invading the marine environment and what type of effects that will have. That is the reservation that the Division of Fish & Wildlife has today and still exists, and I think that was the reason why the former Secretary of the Department of Lands and Natural Resources was very reluctant to give this any approval. I know that the Representative has done a lot of work to see that we're able to get over the importation restrictions but if you have a department that is tasked to take care of this project that is reluctant to take it on, I think we need to simply ask them if this project is really feasible. There is a concern in the Division of Fish & Wildlife about this issue and I think you need to overcome that hurdle.

Speaker Fitial: You mentioned there are dangers. What are the potential dangers? Is there a significant difference between the species of clams in Palau and the clams that we have in the CNMI? Are those clams in Palau endemic only to Palau?

Rep. A. Palacios: I yield, Mr. Speaker.

Rep. Ada: I have some information to share with you. Mr. Isamu is the Minister of Mariculture in Palau who oversees Palau Mariculture Demonstration Center (PMDC). Right now they receive demands from Canada of live clams and they ship them out every year. What they do before they ship them out is they scrub them down before they ship them to contain what is called the invasive species like the pathogens and other possible organisms that may cling on to the clams. If we are going to consider every minute possibilities of pathogens coming in, Mr. Speaker, there are a lot of pet shops around here, live animals that are being shipped every year and we don't even look down to the needy, greedy and find out if those pets are bringing any organisms in here and then here we go with this Clam Project. I don't really see the difficulty of bringing it in. If you consider the water out there, Mr. Speaker, there are a couple of big, giant waste disposal that disposes waste everyday, every hour and then here we go with this simple Clam Project. All I'm asking is we try it again. In terms of the current, we have addressed that issue also. Yes, there were instances where the clams were put in the wrong place, the place where the current were very strong. Now, that's a lesson to be learned. We establish this project – of course we should avoid those failures that we experienced. So what I'm trying to do is to at least appreciate what the President of Palau is trying to do on his goodwill spirit. Thank you.

Rep. Hofschneider: Thank you, Mr. Speaker. We heard from Representative Palacios that the biologists at DLNR's Division of Fish & Wildlife primary concern is the introduction of new pathogens. So to resolve this, I'd like to ask the author are the seedlings homogeneous or hedrogeneous?

Rep. Ada: I don't understand your term, Mr. former Speaker. Can you put that in simple language? What's homo, hedro, bi-sexual or whatever so we can deal with your concerns?

Rep. Hofschneider: Are the seedlings isolated from the natural environment? Therefore, they are cultured and minimized the introduction of the natural pathogens that is endemic like Speaker was

asking, endemic for Palau but not endemic for the Commonwealth because I can give you one endemic serious illness causing pathogens and that is vibrio cholera. It's endemic in Micronesia due to infrastructural problems and where the raw sewage is present normally vibrio cholera. Now, all it takes is one seedling clam to have it in its digestive tract and transplant it in our lagoon. It's different from your claim that there are a lot of pets here. When a person buys a pet that pet is transported in a smaller medium containable and you can contain and restrict the pathogen from exposing in the environment. You bring it to your house and you put it in your aquarium, you isolate again, but in the open environment, water is the best medium to transmit new pathogens or endemic pathogens. So when you introduce into the open water and it affects the species, mafuti, ti'ao, atulai, you're going to be known as the person who introduced the pathogen and we can no longer eat the mafuti in the lagoon or the fish that we target on a daily basis. That's what the biologists are arguing. They're not opposed to the idea. If you read the message from DLNR from the last Legislature, you will understand that the concern is whether these homogeneous or hedrogeneous species – are they coming from the natural environment or are they cultured? If they're cultured, then we minimize the concern. So do you have an answer for us so we can support the resolution?

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

Speaker Fitial: Recognized.

Rep. Ada: What's going to happen here is we take the clam from its natural – they have a breeding station, Demonstration Center there. They are going to give us the seedling from the breeding station, the Demonstration Center itself not just taking it from any Rock Island and bringing it over. I've seen it and I believe a couple of other colleagues here have seen it on our trip to Palau. They are cultured.

Rep. Hofschneider: I agree, Mr. Speaker, because like rabies, you can bring a dog from rabies country by accident because if you know that that country has rabies endemic for the territory, you're not allowed to bring in animals. But you can isolate, contain them and DLNR is responsible for that. All we're saying is that can we have an assurance and you can assure the biologist that these species are in fact free of pathogens that may in fact be more dangerous than what we're trying to do. That's all we're saying.

Rep. Ada: Okay. Mr. Speaker, for the very last time. On page 4 it says recommended quarantine procedures. Please read that under the attached appendix. It says here, "pathogens and parasites of the giant clam are little known and therefore"…[end of recording; beginning of recording]…they brought the clams before and there was no indications that pathogens were spread all around the mafuti and all the other fishes and marine organism. They were here before. It didn't affect our waters or our sea organisms so what is the big deal here? We're trying to bring the same clams in. They're going to be handled – they are actually bred in a cement tank in the Demonstration Center in Palau. Like I said, they're not from the wild. They are there and of course they're being monitored daily. And I believe the people of Palau won't just give the clam, put it in a box and bring it over. Like I said, and I'm serious about this, they scrub them down before they send it out so that the reputation of PMDC also becomes well-known and a safe Demonstration Center that provides clams to various parts of the world. So I don't see….

Speaker Fitial: Representative Ada, how many clams were brought in the first time around from Palau?

Rep. Ada: Maybe the former Director of the Division of Fish & Wildlife…

Rep. A. Palacios: About 5,000 small seedlings. One of the problems with those small seedlings was there's abundance of predators when we put them out so we basically lost the whole crop then we brought in the bigger ones, which the predators don't go after them. So we brought in about 2,000 of those that we were actually given. One of my problems here – and I don't have any problem with introducing this but we need to engage with the agencies that we're going to make responsible for this. We're going to have to engage with the Division of Fish & Wildlife, go back through their records and see what the problems were and also see if they even have the manpower, the resources to do this project and make it successful because we found out that just going out and seeding the lagoon is actually useless. Really. You just bring in a thousand and then what? You have to monitor it. Does the Division of Fish & Wildlife or the Department of Lands and Natural Resources have the resources to do this and make it successful? And those exports that Palau does to all other nations are not for food source it's for aquarium trade. So what Representative Hofschneider was saying regarding almost a quarantine environment is true. All the clams that Palau and any other Micronesian entities ship to Canada and the United States is aquarium trade. It's not for reseeding of – it's basically an aquarium trade.

Rep. Ada: I'd like to correct the former Director on this. Right now Marshalls and Pohnpe are successful in the Giant Clam Breeding Project. That is the up to date information. Giant clams that they have received from Palau, Pohnpe is very successful now with the giant clams. I can bring that information in writing if you guys need it.

Rep. A. Palacios: What I was alluding to was that Palau, Pohnpe and Marshalls export these clams to other environment other than the Micronesian area for aquarium trade.

Rep. Ada: Yes, both for aquarium and for consumption and also for breeding.

The Chair recognized Vice Speaker Villagomez.

Vice Speaker Villagomez: Mr. Speaker, can we refer this over to the Committee on Natural Resources?

Rep. Deleon Guerrero: Mr. Speaker, we approved this already.

Speaker Fitial: I think this is a very simple issue whether we want to reestablish the project or not.

Rep. Hofschneider: We want to, but we want to make sure that they're clean. Let's not create another ivy gourd and bring in Representative Arnold Palacios' weevil to go after them.

Speaker Fitial: So if there's no objection, I'd like to refer this resolution for further study to the Committee on Natural Resources. No objection?

There was no objection.

Speaker Fitial: So ordered. We still have the other resolution.

There was no further discussion, and the motion to adopt H. J. R. NO. 14-7 was carried by voice vote.

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

BILL CALENDAR

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta moved for suspension of Rule IX, Sections 9, 10 and 11 for the passage of H. B. NO. 14-32, CD1 under S. C. R. NO. 14-5, was seconded and carried by voice vote.

Speaker Fitial: Motion carries. Passage motion.

Floor Leader Babauta: So moved, Mr. Speaker, for the passage of H. B. NO. 14-32 on First and Final Reading.

The motion was seconded.

H. B. NO. 14-32: A BILL FOR AN ACT TO REPROGRAM AND RE-APPROPRIATE $10,146 FROM P.L. 9-1; $3,071 FROM P.L. 11-43 AND $11,108 FROM P.L. 12-49 CIP FUNDS FOR THE BEACH ROAD ROADSIDE BEAUTIFICATION PROJECT IN PRECINCT II; 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. 14-32, CD1 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	yes
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. 14-32, CD1 passes the House unanimously. We move to Miscellaneous.

MISCELLANEOUS BUSINESS

The Chair recognized Rep. Tebuteb.

Rep. Tebuteb: I'd like to ask the Chairman on the Committee on Ways & Means of H. B. NO. 14-62 and H. B. NO. 14 91. These are the Public School System's facilities.

Speaker Fitial: Please respond, Chairman Palacios.

Rep. N. Palacios: They're still under review. We're still reviewing.

The Chair recognized Floor Leader Babauta.

Floor Leader Babauta: I talked to the committee's assistant with respect to the bills that are referred to the committee primarily on CIPs and other appropriation or re-appropriation measures and they are vigorously pursuing information from various agencies that affect those particular programs. For instance, like Congressman Tebuteb's request, they are just awaiting a final communication from the Public School System with respect to the dollar amount that is involved in those requests. So I told him a while ago that the committee will be spearheading and expediting all those bills as introduced by the entire members.

Speaker Fitial: I will be personally corresponding with the Governor. I will be requesting the Governor to respectfully request the agencies to act on the various requests from the respective House Standing Committees with respect to comments on these bills that have been introduced and referred to the committees. The committees have given the agencies a maximum two weeks time to make comments. So instead of submitting comments within the two weeks time, they have requested for extension. So I'm going to be writing to the Governor to request the Governor to respectfully request the agencies to heed to the committees request for written comments.

Rep. Tebuteb: My only concern, Mr. Speaker, is that it is important that we just passed road projects. I think there have been about three road projects on CIP and it is important, but it is equally important on this Public School System's dilemma.

Speaker Fitial: Every bill is important. I just want every member to know this and the committees are diligently reviewing and analyzing the bills that have been introduced. Basically, the problem is the committees are not receiving written comments on these bills on time and when I say on time, the two weeks time have been specified. So we will be trying our best to transmit committee reports to the chamber during our sessions so that all these bills will be looked at and considered accordingly.

The Chair recognized Rep. Apatang.

Rep. Apatang: Thank you, Mr. Speaker. In lieu of that and in reference to Representative Tebuteb's bill, this is a very critical bill that we need to work on. And now, that we have been communicating with the Chairman on the Committee on Education, we would like the help of the Chairman on the Committee on Ways & Means to expedite the process of this bill because the situation is very urgent

especially now in Kagman Elementary School where we have kids attending classes in the janitorial closets. Even the sixth graders are now attending classes at the Jr. High classrooms. We need to see what we can do to expedite this bill up so we can alleviate the situation down there. We'll be willing to sit down with the committee together with Congressman Tebuteb to see if we can work these things out and get this thing going so we can address that situation down there.

Speaker Fitial: Well, the problem is not with members sitting down with the committees. The problem is the agencies. Those particular bills have been referred to joint Committees on Ways & Means and Education. Chairman Quitugua, can you please shed some light into this issue?

Rep Quitugua: Thank you, Mr. Speaker. During the break, I spoke to Representatives Tebuteb and Apatang regarding a few of us meeting this afternoon at 2:30 p.m. We have been trying to meet on these two referenced bills and our schedules were kind of tight, but for sure this afternoon we're going to meet. There are some findings that I found in reference to the two bills, which I would like to share with them this afternoon and hopefully we'll make a decision on those two bills.

Speaker Fitial: We need the input of the agencies because they're the ones going to be running the program in the final analysis. So any more miscellaneous? Representative Hofschneider.

Rep. Hofschneider: Just a word of advice, Mr. Speaker. On this appropriation, specifically on Representative Tebuteb's appropriation, we know for a fact that the urgency is overcrowding and all three schools in Kagman is busting at the seams and time is of the essence in this appropriation. Let's not kid around. PSS sat on this appropriation and, as a result, this legislation is attempting to appropriate the interest accrued over time on the PSS Bond. If my recollection serves me right, the original bill, the appropriation and the authorization for the bond did not extend to the expenditure authority to PSS or anyone on the interest accrued as a result of those $16 million bond. The point is PSS sat on this, on the project itself, and as a result there's an arbitrage of about three hundred some thousand dollars. Arbitrage is they have to pay back because tax exempt provision for the Commonwealth is extended and under the tax exempt clause we can only withhold those principles for so many months. After that, we start paying taxes on it or we have to collapse the bond if we're not ready with our projects. It is quite sad to know that we were bombarded with requests on infrastructural needs and when we provided the money there are delays on the agencies themselves resulting in penalties as a result and these investors do not want to pay tax having the decency to extend their money to the Commonwealth on the bond undertaking. So I think this House, Mr. Speaker and members, must make a decision in spite of the two weeks time. We have records that are still good from the last Legislature because as I have said, no one is given the authorization to expend or spend the interest accrued on those bonds.

Speaker Fitial: Further miscellaneous? If there's no further miscellaneous, announcements from the committee Chairmen?

ANNOUNCEMENTS

The Chair recognized Rep. Norita.

Rep. Norita: Mr. Speaker, the Committee on Federal & Foreign Relations will be conducting a public hearing on H. B. NO. 14-97 in regards to the stateless citizenship issue. Right now we've scheduled for three locations: tonight on Tinian at 6:00 p.m. at the Tinian Courthouse; tomorrow will be here on Saipan at multi-purpose center at 6:00 p.m. and Friday on Rota at the Rota

Courthouse at 6:00 p.m. I extend an invitation to the members if they can participate at the public hearing as foreseeing and being a lot of input from the general public. Thank you, Mr. Speaker.

Speaker Fitial: Further announcement? Chairman Quitugua, your committee is not meeting today?

Rep Quitugua: No, Mr. Speaker. We have our regular schedule for tomorrow.

Speaker Fitial: Okay. No further announcements? The House stands recess until tomorrow at 10:00 a.m.

The House adjourned at 10:23 a.m.

Respectfully submitted,

Lavida S. Palacios, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

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. [Second Appearance]

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. [Second Appearance]

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. [Second Appearance]