



House Journal

FOURTH REGULAR SESSION, 2009

8th Day

December 4, 2009

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its Eighth Day, Fourth Regular Session on Friday, December 4, 2009, at 9:51 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Arnold I. Palacios, Speaker of the House, presided.

A moment of silence was observed.

The Clerk called the roll and thirteen members were present. Representatives Joseph P. Deleon Guerrero, Victor B. Hocog, Heinz S. Hofschneider, Justo S. Quitugua and Ralph DLG. Torres was absent and excused. Representatives Ramon A. Tebuteb and Stanley McGinnis Torres will be in shortly.

Speaker Arnold I. Palacios: There seems to be no items on today's Agenda. When we were under the Bill Calendar during yesterday's session, we were discussing two particular legislations H. B. No. 16-30 and we suspended discussion to see whether we can ask the Attorney General, Mr. Buckingham to join us this morning and share some of his thoughts or views and comments on the particular legislation. We also asked Mr. Hasselback from the Attorney General's Office to join us relative to H. B. No. 16.....short recess.

The House recessed at 9:57 a.m.

RECESS

The House reconvened at 9:59 a.m.

Speaker Arnold I. Palacios: We are back to plenary session. We also invited Assistant Attorney General Hasselback to join us on H. B. No. 16-269. Representative Sablan, what time is Mr. Buckingham arriving?

Representative Sablan: He said he will be here by ten o'clock and then Mr. Hasselback will be here between 10:00 am to 10:30 am.

Speaker Arnold I. Palacios: Okay. Short recess.

The House recessed at 10:18 a.m.

RECESS

The House reconvened at 10:21 a.m.

Speaker Arnold I. Palacios: We are back to our plenary session. We move down to the Resolution Calendar.

ADOPTION OF JOURNALS

NONE

INTRODUCTION OF BILLS

NONE

INTRODUCTION OF RESOLUTIONS

NONE

MESSAGES FROM THE GOVERNOR

NONE

SENATE COMMUNICATIONS

NONE

HOUSE COMMUNICATIONS

NONE

COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

COMMUNICATIONS FROM THE NMI DELEGATE

NONE

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

NONE

OTHER COMMUNICATIONS

NONE

REPORTS OF STANDING COMMITTEES

NONE

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

Sp. Cmte. Rpt. no. 16-2: From your Committee on Health, Education, and Welfare reporting on the oversight hearings on the Commonwealth Health Center.

UNFINISHED BUSINESS

NONE

RESOLUTION CALENDAR

Speaker Arnold I. Palacios: In the meantime, we will discuss the Resolution that is on the Agenda, H. R. No. 16-103. We left off with the Legal Counsel who was briefing us and apparently there are additional comments or information that Representative Sablan, who is the author could share. We also have to amend the Resolution to include a particular provision on the Agenda as recommended by the Floor Leader and Clerk, but before we do that we will continue with discussions. I now recognize, Representative Sablan.

Representative Sablan: Yes, thank you, Mr. Speaker. Just picking up from where our Legal Counsel had left off. The Resolution and the amendments to the House Rules for the most part take almost verbatim the language from the Open Government Act (OGA) and insert them into the House Rules. The main changes as our Counsel had said yesterday, deal with public notices requirements, public comment requirements, and also public records. And some of them are not – like in respect to public notice right now, our House Rules say, that we should at least get twenty-four hours notice and as a result of the Open Government Act it changes that – that would just be extended to seventy-two hour notice for regular meetings, but that those notice requirements can be suspended in the event of an emergency. And for special meetings those can be announced with twenty-four hour notice. And notice would be affected by filing a Call in the Agenda with the Clerk and the Clerk can then forward it to the media and any one else that request it either via email or whatever means personal delivery, and then also post it on the website if that is feasible, but that is not required at this time even under the Open Government Act. And then notice would be affected by posting the Call and the Agenda at the Executive Branch building. So those are basically the requirements. The other change that would take place is that bills have to be prefiled but as the Floor Leader noted yesterday, items can be added to the Agenda provided that there is a recorded vote of the majority. So these are really just adjustments to the procedures that we follow today. So the notices requirements can be found on page 5 and 6 under Rule III, and then respect to public comments – maybe we could go just page by page. On page 9, the other change that is made to comply with the Open Government Act would be for disturbances – again taking the language from the Open Government Act. In Section 12, under Rule V, if there is any disorderly conduct people can be escorted out and we are just taking the language from the law – representatives of the Press, and people who did not participate in the disturbance they can be allowed to remain during sessions. Moving on to page 12, the other changes for Committee meetings, those also must be notice to the public with Agendas and they have to comply with Rule III. And then on page 16, I have mentioned this earlier, under Section 4 of Rule IX, Bills and Resolutions would be prefiled and appear on the Agenda, but again the Agenda can be changed with the majority vote of the members. On page 18 – this is the public comment part, Section 11, Rule IX, so what this basically says is, that prior to taking action on a bill and resolution there has to at least be the opportunity for public comment and the Speaker alluded to wanting to insert an amendment what that would mean before a session...This is before or after adoption of the Journals? Oh right after Roll Call, okay.

Representative Benavente: Privilege, Mr. Speaker.

Speaker Arnold I. Palacios: Proceed, Representative Benavente.

Representative Benavente: If I may just ask, Representative Sablan, as she goes from Section to Section to state whether that was something taken out of the previous OGA or is a new provision. Thank you.

Speaker Arnold I. Palacios: I think the Resolution has those – the ones that are being inserted are underlined.

Representative Sablan: Yes, the parts that are being inserted - the amendments are underlined and then at the end of each underlined section – like for example on page 18, there is a reference to the Open Government Act.

Representative Benavente: If I may, is that then true and correct then all of the ones that are underlined are new amendments?

Representative Sablan: Yes. And the reference that follows after it ties back directly to the Open Government Act, for the most part the language is almost verbatim. So the amendment with respect to public comments that we will be considering today, would be to at least offer the opportunity for public comments prior to the adoption of Journals. So in our Agenda we will do the Roll Call, offer opportunity for public comments on any of the items on the Agenda, and then move on to with the rest of the business. Then in Section 11 (b) on page 18, the Speaker and the Clerk would be required to conform that a bill or resolution has been offered for public comment in conformity with the Rules and with the Open Government Act with the exception Commemorative Resolution, since it is the opinion of the Legal Counsel – these are just expressions of the House. Bills and Resolutions must be offered for public comment before they are finally passed. So there at least has to be the opportunity for comment.

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: In regards to the public comment, I would recommend you give them the time limit too to five minutes for those who want to comment. Otherwise, you would get someone who is taking up the next three hours, but at least they are put on notice that any statements read beyond the allotted time limit to submit a written comments.

Representative Babauta: Point of information, Mr. Speaker.

Speaker Arnold I. Palacios: Representative Babauta, please state your point of information.

Representative Babauta: Thank you. May I ask Representative Sablan, at what point would a public comment constitute public comment? Is it during the deliberation of the bill or prior the enactment by the House – can we get a clarification on that? Where does the public comment kick in? Mr. Speaker, we need to pin this down because we might have a session today – we might have probably thirty-two people sitting out there wanting to comment on a piece of legislation that is before us – would that be considered under this new Rule insertion? I do not know out of the thirty-two maybe thirty would favor the bill – does that constitute public comment in a sense where it gives us the opportunity whether to pass it or not.

Speaker Arnold I. Palacios: Please, proceed Legal Counsel.

Legal Counsel Joey San Nicolas: *Thank you, Mr. Speaker. In response to your question, Representative Babauta – under the Rules there would be two methods. One, under the Open Government Act, it is the affording of the public giving them the opportunity to comment. Under the Rules the House Speaker upon filing of a bill could send out for comments on those bills. It does not have to be one particular bill it could be a whole bunch of bills and giving the public an opportunity to come in and comment – written or orally. The other way would be to provide within the Agenda the opportunity to the public to speak on the Agenda items at the session. So it will be through the sending out of the information to the public about these bills, requesting for comments – written, orally or personally here at the session to comment on the items on the Agenda.*

Representative Sablan: May I just add to that. It is also of course always within the right of the Body to just provide Rules for oral testimonies so that we can still continue to have an orderly conduct of business – but either oral or written testimony would be considered public comment.

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: In regards to the public comments in terms of inserting it as an item two on the Agenda. Having a general comment section, I think is a better policy. It is really hard to prove a negative - you know, if somebody is going to show up and say oh I was never given an opportunity to comment. So having a general comment section - it does not have to be something on the bill but something that was on a previous session they can come in and I think would to make a comment...*(Some of Floor Leader's comments were not picked up by the microphone).*

Representative Sablan: If there is no one here to give public comments then that is okay too, we can still move on, but it is just about giving the opportunity.

Speaker Arnold I. Palacios: Floor Leader, continue.

Floor Leader Camacho: Thank you, Mr. Speaker. If you ever seen C-SPAN it is also part of the US Congress where a person can come and make some kind of presentation or what not, but the Chairs are empty as long as the House – if fifty people making a public comment – the comment is to them and they are putting it on the record so the members do not necessarily have to be in their chairs listening to the public comment they can hear it through the mic or they can read it through the journals when it is adopted or what not. So in some days you are going to have a lot of comments. You do not have to be physically sitting on the chairs but would have to make that into a...

Speaker Arnold I. Palacios: Okay.

Representative Sablan: And moving on I just wanted to also bring to members attention. On page 20, there was a change and this was a technical oversight, but there was a section that – it is still Section 15, but it would have to be renumbered if it were still there – it is the last section under the Section regarding override following a veto. So this is a part about bills received from the Senate and being able to be placed on First and Final – that part has been deleted because even the bills that we receive from the Senate would still have to be on the Agenda for action. So if you can just make a note of that on page 20, Section 15 – those received from the Senate that is the part that has changed. Because right now the Rules say if there is a bill that have been received from the Senate then it could just be placed immediately and passed on First and Final Reading, we can still act on it obviously, but it would still have to on the Agenda for action and would have to follow Rule III – in any case, and so just to avoid the confusion that could have been created if that section was remaining – we just decided to delete it and all the bills that we act on would have to comply with Rule III.

Floor Leader Camacho: What would the rationale be that the Senate has already given those public comments.

Representative Sablan: Sure, but if in the event that we would want to amend it and so on there would have to still be opportunity for public comment on the bill as we amend it or substitute it or so on.

Floor Leader Camacho: That is why I said we put the general public comment before anything else happens. So that if a person comes and they agree with Senate Bill No. 17-1 please pass it as it is or amend it – otherwise, you know what I mean. You have a comment that says you receive on Senate Bill No. 17-1 get the communication and then moving that to the Bill Calendar, and then the discussion on the floor, and then you pass it there is an amendment it goes back to the Senate and then allot again for public comment – that is why you have the general comments so people can come in and make their comments – pass it as it is, make an amendment so that the members can make an amendment accordingly. The opportunity to make the public comment is the focus not every little change that has to do...

Representative Sablan: Sure and I am not saying that – that part will change at all as a result of taking out that Section, but you are right, it will still appear as a public comment opportunity in the Agenda and I guess all that I am saying is that the previous language about bills received from the Senate seem to be in conflict with Rule III – the amendments to Rule III. Your right, it will still appear on the Agenda as a public comment opportunity. And just after that the only other changes would be on page 26. Just as a note for the members on page 26 – in the interest of saving paper the drug free workplace policy was not attached to this Resolution, but that should be considered part of our Rules and I just wanted to make that clear for the record. And then in Section 9, it should have been underlined as an insertion but for some reason it was not as this bill was being drafted. On page 26, public records, this is also very similar to the language that was adopted in the Senate that it is the responsibility of the House and of the Clerk to preserve all public records and a public record that is received by a member of the House would be considered such once it is filed with the Clerk. And then on page 27, again pursuant to the Open Government Act every time we adopt a journal a copy has to be transmitted to the Northern Marianas College Archives within thirty days of adoption. And so that would be the responsibility of the Clerk. And the Legal Counsel just suggested earlier that it should be mentioned that final action on bills and resolutions could be made null and void if we do not comply with the public notice and public comment requirements of the Open Government Act. So the safety measure to ensure that we do afford public opportunity for comment and that we comply with the notice requirements would be to have the certification from the Speaker and the Clerk prior to final passage that we have complied with those requirements.

Speaker Arnold I. Palacios: So that is basically it.

Representative Sablan: That is it.

Speaker Arnold I. Palacios: Representative Babauta, requested for a short recess.

The House recessed at 10:21 a.m.

RECESS

The House reconvened at 10:21 a.m.

Speaker Arnold I. Palacios: We are back to our plenary session. Before we went on recess we were discussing H. R. No. 16-103 reference to the Open Government Act and the requirement to change our Rules – recommendations. If there are no objections on the floor, the Attorney General, Mr. Buckingham and Mr. Hasselback are present in the Chamber and I would like to suspend further discussions on H. R. No. 16-103 so that we can go into the Committee of the Whole to discuss H. B. No. 16-230 and H. B. No. 16-269.

There were no objections raised on the floor.

Speaker Arnold I. Palacios: Okay, Floor Leader, could we have a motion to dissolve into the Committee of the whole.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to rise to the Committee of the Whole so that we can receive testimonies from the two gentlemen in regards to those respective bills.

The motion was seconded and carried by voice vote.

The House dissolved into the Committee of the Whole at 10:22 a.m.

COMMITTEE OF THE WHOLE

The House reconvened at in plenary session at 11:00 a.m.

Speaker Arnold I. Palacios: We are back to our plenary session, let us take a five minute recess.

The House recessed at 11:01 a.m.

RECESS

The House reconvened at 11:13 a.m.

Speaker Arnold I. Palacios: We move down to the Bill Calendar.

BILL CALENDAR

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion for passage on First and Final Reading H. B. NO. 16-269 in reference to the child abuse.

The motion was seconded.

H. B. NO. 16-269: A BILL FOR AN ACT TO PROVIDE FOR THE PROTECTION OF MINORS AND THE PROSECUTION OF PERSONS WHO ARE CHARGED OR CONVICTED OF CHILD ABUSE BY CLARIFYING THE DEFINITION OF CHILD ABUSE AND SPECIFYING THE DUTIES OF CERTAIN PERSONS TO REPORT INSTANCES OF CHILD ABUSE; PROVIDING CRIMINAL PENALTIES FOR INTERFERENCE WITH GOOD

FAITH EFFORTS TO REPORT INSTANCES OF CHILD ABUSE; AND IMPOSING PRETRIAL RELEASE CONSIDERATIONS IN CASES OF CHILD ABUSE THAT PROHIBIT RELEASE FROM CUSTODY ABSENT A DETERMINATION BY A JUDGE REGARDING THE ENUMERATED FACTORS.

Speaker Arnold I. Palacios: The motion is for the passage of H. B. NO. 16-269 and has been seconded, discussion on the motion. Ready. Clerk, please call for the roll.

The Clerk called the roll on the motion to H. B. NO. 16-269 on First and Final Reading.

Representative Edwin P. Aldan	yes
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	absent (during voting)
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	absent (excused)
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	absent (excused)
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	absent (excused)
Representative Stanley T. McGinnis Torres	absent (during voting)
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of thirteen yes, H. B. NO. 16-269 hereby passes the House on First and Final Reading. Floor Leader, recognized.

Floor Leader Camacho: Thank you again, Mr. Speaker. A motion to pass on First and Final H. B. NO. 16-230 in reference to dispose of firearms by the Department of Public Safety.

The motion was seconded.

H. B. NO. 16-230: A BILL FOR AN ACT TO AMEND TITLE 6, SECTION 2223 TO PROVIDE THE DEPARTMENT OF PUBLIC SAFETY WITH THE AUTHORITY TO DISPOSE OF ALL FIREARMS WITHIN ITS CUSTODY AND TO REQUIRED DPS TO PROMULGATE RULES AND REGULATIONS FOR THE FAIR AND SAFE DISPOSITION OF ALL FIREARMS WITHIN ITS CUSTODY; AND FOR OTHER PURPOSES.

Speaker Arnold I. Palacios: The motion is for the passage of H. B. NO. 16-230 and has been seconded, discussion on the motion. Representative Apatang, recognized.

Representative Apatang: Thank you, Mr. speaker. I would like to make several amendments here. On page 2, line 24, after “compensation” insert a *period* (.) strike-out the rest. And on page 4, add a new section “e” and insert “(e) Disposal of any firearms by the Department of Public Safety under this chapter shall only be through the safe proper destructions of such firearms”.

The motion was seconded.

Speaker Arnold I. Palacios: Is everybody clear with the amendment that was offered by Representative Apatang – okay. The amendment motion has been seconded, discussion, Representative Babauta, recognized.

Representative Babauta: A subsidiary motion, Mr. Speaker. On the same Section 3, since Representative Apatang added a new subsection “e” – and maybe would could consider this a technical – on page 2, line 9, and strike-out the word “two” and insert the word “four” – so it shall read:

Section 3. Amendments. ~~Two~~ Four new subsections, to wit, (b), (c), ~~and~~ (d), and (e)...

The motion was seconded.

Speaker Arnold I. Palacios: Okay. Is everybody clear with that subsidiary amendment?

Representative Babauta: So it could be consistent.

Speaker Arnold I. Palacios: Yes, instead of two new subsections it should be four new subsections. Ready on the recommendation and amendment offered by Representative Babauta is hereby incorporated into the amendment made by Representative Apatang. Is that clear?

There were no objections on the floor.

Speaker Arnold I. Palacios: Representative Salas, recognized.

Representative Salas: Mr. Speaker, I would just like to ask do we need to add a time-line for disposal or destruction is that necessary?

Speaker Arnold I. Palacios: It does provide a period of custody before they begin to dispose of it. Representative Sablan, recognized.

Representative Sablan: I would like to request that Representative Apatang to reread subsection “e” that is being added?

Speaker Arnold I. Palacios: Representative Apatang, could you reread the new subsection e?

Representative Apatang: Okay. “(e) Disposal of firearms by DPS under this chapter shall only be through the safe and proper destruction of such firearms”.

Speaker Arnold I. Palacios: Are we ready for the question on the amendment offered by Representative Apatang.

There being no further discussion on the motion offered by Representative Apatang was carried by voice vote.

Speaker Arnold I. Palacios: We are back to the main question. Ready. Representative Yumul, recognized.

Representative Yumul: Thank you. On page 3, line 5, after the word *storage* I am concerned about the word *maintenance*. It would put the burden on the Department of Public Safety (DPS) to maintain weapons and that if they do not periodically maintain the weapon they may be subject to paying the owner for expenses incurred for example if the weapon were to naturally rust. I would like to ask the author if he is amendable to removing the word *maintenance*.

Speaker Arnold I. Palacios: Are you trying to make an amendment motion and if you are doing that then...

Representative Yumul: Well, I am asking the author what is the rationale of *maintenance*.

Speaker Arnold I. Palacios: Representative Tebuteb, recognized.

Representative Tebuteb: We do not really need that unless you do not want them to assess the fee for such storage and or maintenance.

Representative Yumul: Right, because if for example a person who is – I am assuming it is going to be the armory – if they are not certified to maintain certain weapons we do not want the owner to claim that it was damaged while under custody of DPS. It is a concern.

Speaker Arnold I. Palacios: Representative Dela Cruz, recognized.

Representative Dela Cruz: Mr. Speaker, I agree with Representative Yumul. I have introduced a legislation similar to this legislation, but in that legislation it has to do with the private vehicles. And the word *maintenance* is broad in nature and that if for example, on that legislation by putting in maintenance, is DPS then required to make the necessary service – battery check-up once a vehicle is impounded, once a vehicle is found to be illegal? Is DPS then responsible for the upkeep of that vehicle? In this case, is DPS responsible for the upkeep of these firearms in their possession. And I do not believe we should have DPS responsible for the maintenance rather just for the storage of these firearms. Thank you, Mr. Speaker.

Speaker Arnold I. Palacios: Representative Yumul, recognized.

Representative Yumul: Mr. Speaker, I would like to make a very simple amendment on page 3, line 5 remove the word *and maintenance* and further down remove the word *both*.

Speaker Arnold I. Palacios: Okay. Is everybody clear with that amendment motion? Do I a second to the motion?

The motion was seconded.

Speaker Arnold I. Palacios: Discussion on the motion, Representative Reyes, recognized.

Representative Reyes: Mr. Speaker, I can understand the intent – Somebody at some time has to be responsible for confiscated items. Absent the speedy submission of this to the Courts to be resolved and we are putting too much burden here on people and yet we are protecting the Government too much. I have seen the La Fiesta Mall it is becoming dilapidated, I have seen the Radar Station my

pig pen is cleaner than what it is right now because of the Government's failure to maintain Government property. Well let us not go further and not maintain personal property that has been confiscated temporarily. Representative Yumul, said about somebody not knowing what to do or lacking the experience to do such – that is not my problem that is DPS's so they should put the qualified person in charge, but maintenance of these items just like vehicles you got a \$34,000 car there that the Court has yet to act on it and I am paying mortgage on it, but yet they do not want to maintain it. As far as I am concern and coming from the insurance part of it – it is like a car garage insurance policy - you are in charge for it you are responsible for it. We can go on further. What happens if it burns down? Who is going to pay? So to me personally, if and when you confiscate an asset you have the responsibility to look at it and maintain it to the condition as it is. So I would not live with that amendment.

Speaker Arnold I. Palacios: Let me weigh in on this. I am not sure that we are acquiring everybody to do anything. If you read that sentence it says *reasonable notice that DPS may assess*. This is about assessing a fee – if DPS for storage and if DPS decides to maintain. If they do not maintain it then they do not have to assess any fee. This is about assessing a fee to the individual whose guns have been confiscated. If DPS does not want to assess these fees they do not have to assess, but if they are going to assess they will have to substantiate that there was some maintenance that was done to the gun. I think we are making something out of a sentence that is not really there. So where do we go from here? Okay, I think we should just withdraw this. It just allows that if DPS has to go through all this and incur extra cost then they may turn around and assess you.

Representative Yumul: Yes, that is understandable, Mr. Speaker, but we are limiting the fee to not exceed \$500 – so I am only curious but I think it is safe to say that there are weapons in there that have not been touch in maybe more than ten years.

Speaker Arnold I. Palacios: You are right. So if you are the owner and you go up to your weapon and you look at it that it has not been maintained and the Range Master says I am going to charge you \$5,000 for maintenance and you say for what – what have you maintained, where is the maintenance record that you have done anything – the oiling or whatever. I am just weighing in on this. Representative Dela Cruz, recognized.

Representative Dela Cruz: I understand completely, Mr. Speaker, but to turn the tables around and if the owner comes up and says it is in the law that you are to maintain my firearm while it is in your custody – not just to store it, but to maintain it and it has not been maintained. So the question then arises as to who is responsible for this maintenance and with the language in this legislation it is clear that DPS is responsible for the maintenance and I think – what is the worse that can happen by omitting maintenance in this legislation?

Speaker Arnold I. Palacios: No, it does not. But what I am trying to point out is that we really are debating an issue that is really not really an issue – it should not be an issue. It says “may assess” if you are going to assess me then you better prove to me that you have done something to it. But it is not an issue – I mean it does not matter to me whether they maintain it and not. It is going to be destroyed anyway according to Representative Apatang. Alright. So we have an amendment motion, ready.

The Speaker called for the voice vote for the adoption of the amendment motion offered by Representative Yumul, there being a division on the floor the Speaker called upon the Clerk for the calling of the roll.

The Clerk called the roll on the amendment motion to H. B. NO. 16-230, HD1, offered by Representative Yumul:

Representative Edwin P. Aldan	no
Representative David M. Apatang	no
Representative Oscar M. Babauta	no
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	absent (excused)
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	no
Representative Justo S. Quitugua	absent (excused)
Representative Joseph C. Reyes	no
Representative Christina M. Sablan	no
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	no
Representative Ralph DLG. Torres	absent (excused)
Representative Stanley T. McGinnis Torres	absent (during voting)
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of seven yes, the amendment motion offered by Representative Yumul has failed to pass by the calling of the roll. So we are back to the main motion H. B. NO. 16-230, HD1 – Representative Sablan, we want to move on to the Rules.

Representative Sablan: I would also want to move on, but I just wanted to note that Section 2223, which we are amending today – right now, it includes not just firearms, but also ammunition and other dangerous devices that would be seized by the Department of Public Safety just for the purposes of consistency could we just go ahead and say *include dangerous devices and ammunition* it falls within the same subsection and perhaps our Legal Counsel could check that.

Speaker Arnold I. Palacios: After *firearm*?

Representative Sablan: Yes. The section right now reads: *All firearms dangerous devices or ammunitions* – so we will just be including those terms as well.

Speaker Arnold I. Palacios: Okay. Legal Counsel can you put those in the amendment – okay.

Representative Sablan: Right now we are dealing with Section 2223 of Title VI and the language as it reads now includes also *dangerous devices or ammunitions*. So to just include that just for consistency.

Speaker Arnold I. Palacios: Okay – are we ready for the question. Clerk, please call for the roll.

The Clerk called the roll on the motion to H. B. NO. 16-230, HD2, on First and Final Reading.

Representative Edwin P. Aldan	yes
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	absent (excused)
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	absent (excused)
Representative Joseph C. Reyes	no
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	absent (excused)
Representative Stanley T. McGinnis Torres	absent (during voting)
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of thirteen yes, H. B. NO. 16-230, HD2 is hereby passed by the House on First and Final Reading. Floor Leader, recognized.

Floor Leader Camacho: A motion for passage on First and Final Reading H. B. NO. 16-68, SD1 in reference to annuitants and Government healthcare.

The motion was seconded.

H. B. NO. 16-68, SD1: A BILL FOR AN ACT TO REPEAL AND REENACT 1 CMC § 8364, AS AMENDED BY PUBLIC LAW 15-70, SECTION 4(J), TO ALLOW ANNUITANTS TO ENROLL IN THE COMMONWEALTH GOVERNMENT HEALTH CARE PROGRAM, AND TO AMEND 1 CMC § 8392; AND FOR OTHER PURPOSES.

Speaker Arnold I. Palacios: The motion is for the passage of H. B. NO. 16-68, SD1 and has been seconded, discussion on the motion. Representative Sablan, recognized.

Representative Sablan: I believe the Retirement Fund has submitted comments in strong objection to this bill and I would like to ask for a recess so that I could go and retrieve those comments and perhaps we can use them for our discussion today.

Speaker Arnold I. Palacios: Short recess.

The House recessed at 11:33 a.m.

RECESS

The House reconvened at 11:42 a.m.

Speaker Arnold I. Palacios: We are back to plenary session. We were under the discussions of the passage motion for H. B. NO. 16-68, SD1 – I now recognize Representative Sablan.

Representative Sablan: I would like to start with a procedural question. I understand that the Senate version of this bill has already been placed on our Calendar, but could we still at this point reject the Senate amendments and send it back? Well, then with that I would like to make the recommendation that we do that and I think that the Retirement Fund's comments which was submitted to us as Dept./Agcy. Comm. No. 16-97 and copies of that were re-circulated today. Those comments really, I think convey the importance and the necessity of rejecting the Senate amendments and allowing further review of the bill. The Retirement Fund has indicated that they supported the original version of the bill, but that the Senate amendments would constitute an added benefit that would be subject to the mandates of an existing public law – Public Law 15-70 and that public law as you can see, on page 2 of their comments also requires that any increases in benefits would not take effect if they are not funded, in which case this would be one and it would be subject to referendum. The Retirement Fund also notes that they were never contacted prior to the insertion of the amendment to determine if the added benefit that is being proposed is physically sound. And to this day, to my knowledge there has been no consultation with the Funds actuary on this proposed added benefit, and I would strongly urge the members to reconsider passing this bill today. If I could make a subsidiary motion whatever the procedure would be for rejecting the Senate amendments, I would like to do that today.

Speaker Arnold I. Palacios: Representative Apatang, recognized.

Representative Apatang: Thank you, Mr. Speaker. This particular bill is to actually amend Public Law 15-70 which strike-out the retirees re-computation. This procedure has been in the system for while – like elected officials and appointed Secretaries are allowed to retire once they are appointed to come in, but because of Public Law 15-70 that was stricken-out. Mr. Speaker, the issue here is actually if a person gets out for example, a Class II employee – who has been contributing to the Retirement Fund as a Class II, and because of a situation dictates or whatever they decided to get out of the Government temporarily. Before there was no policy – you can get out temporarily and come back and you are still considered a Class II especially when you continue to pay a Class II contribution – you are being deducted on your payroll Class II and all of a sudden it was changed because of Public Law 15-70. Now, I do not think it is fair that this particular people should be denied their Class II Retirement computation. Instead of retiring as Class II the Retirement Fund is mandating them to retire as Class I. So what happened to your contribution? All these years you have been contributing as a Class II member then all of a sudden you are going to be denied that retirement and you will be retired as a Class I member. These are the issues and I know the Retirement Fund will always object to any changes to a retirement program, but those retirees that are out there or are still in the Government and are fixing to get out these are their concerns also. Those of you who have not considered to retire from the Government because you do not have that – you have not contributed who are under the new retirement program is different. But if you contribute since the beginning of employment as a Class II member, I think you should be retired as a Class II member and not a Class I member and there is a lot of difference there. I think that is why the Senate did this amendment for a reason. And also part of the bill is to open up the membership under Aetna insurance – you know some retirees are paying a lot right now just to be part of this insurance. But if we increase the membership and the Retirement is always coming out and telling us that we need to increase the members this is one way to do it is to open it up so new members can come in – new retirees who are enrolled in Staywell – if we encourage these people to come back into the Government system the Retirement Fund under Aetna, I am sure that the cost of insurance will decrease – like right now, they increase the insurance for some of the retirees. So this is the

purpose of this amendment, Mr. Speaker, and I encourage the members to help out, think about those retirees – you know the economy is not good and they are our constituents. Thank you.

Speaker Arnold I. Palacios: Thank you. Are there any more comments? Representative Benavente, recognized.

Representative Benavente: Thank you, Mr. Speaker. First, I want to say and I stand to be corrected, but the way I understand the amendments offered by the Senate the rider if you will, is that it proposes to bring back what has been the law prior to the Fifteenth Legislature when it was changed when you no longer can get additional benefit by after retiring and coming and working. I want to say that, if we are going to allow an individual who has worked for example, for twenty years at a salary of \$20,000 and then some how gets a job within the CNMI Government for the next four years that pays \$40,000, then the current law does give that individual the opportunity to retire at a pension calculated on three years of the highest salary, which would be the three years out of the four that this person that was receiving \$40,000. That is currently allowed and if I am not mistaken and I stand to be correct that is what our Retirement System Program, which is what it says. Now, what this proposal does is, bring what I think is fair when they were doing it in the past to those individuals who have actually opted to retire after twenty years and decide to come back after retirement and that if someone is retired after the twenty years making \$20,000 and is receiving a pension of \$20,000 comes back from retirement and works for four years after that with a salary of \$40,000. what the Legislature did in past was they actually removed that and your pension cannot be re-computed to count the four years that you actually worked and contributed based on this \$40,000 salary. So in my opinion this is bringing back fairness to any individual whether you decide to work for twenty-four years straight or you decide to retire after twenty years and come back and work for four more years – it is fairness. Now, I know that the previous actions probably saved some money - unfair I believe, save money for the Retirement System, but this is a matter of fairness for individuals and this is the way I understand it. Again if I am wrong, tell me so, but otherwise, I think that this just brings back fairness to everyone. Thank you.

Speaker Arnold I. Palacios: Are there any comments? Representative Sablan, recognized.

Representative Sablan: I just wanted to remind the members of the purpose of Public Law 15-70. We are all aware today of the crisis facing the Retirement Fund and Public Law 15-70 was passed in the first place in an effort to improve the fiscal solvency of our Fund and we are protecting the benefits of our retirees and future retirees and the amendment that was inserted by the Senate in this bill would affect the fiscal solvency of the Fund and given the current crisis which we are all aware of which the Retirement Fund has pointed which is the subject of litigation in both Federal and Local Courts it would be to say the least unfair to the current retirees and future retirees since we are talking about fairness to propose to add benefits without identifying a source funding. Representative Apatang, mentioned the very worthy original purpose of this bill which we supported, which the Retirement Fund supported, which the retirees have supported and the health insurance carrier has requested and that part should be preserved. If we want to take up amendments to Public Law 15-70 we can do that in a separate bill. We should not muddy the waters by considering this rider and go ahead with the portion of the bill that has been widely and strongly supported by the community including our retirees. I understand that past practice was to allow re-computation of benefits – things have changed dramatically and we cannot afford to just go back to old practices not anymore, not considering the crisis that we are facing. And so if there is no objection from the members, I would once again reiterate, I would like to make a motion to reject the Senate

amendments if we can go into Conference Committee then we should do that, but I do not think that this bill should be passed as it stands, and I stand with the Retirement Fund and the retirees in rejecting the Senate amendments.

Speaker Arnold I. Palacios: Thank you. The main motion is there we cannot have a contradicting motion – unless this motion has been defeated – rejected. Representative Reyes, recognized.

Representative Reyes: We are talking about the amendment made by the Senate, correct?

Speaker Arnold I. Palacios: Well, we are talking about the bill Senate Draft 1, yes.

Representative Reyes: And I agree with Representative Benavente. There is a Public Law right now that says this is how we make computation of benefits – it is only fair that if a person gets back and be reemployed he forfeits his pension right now because you are getting paid for the salary and you are contributing to the Retirement Fund. The question that I have is, given the new pension system that we have under the Defined Contribution (DC) program, if such person is retired as a Class II member and works now, gives up his pension and works under the DC Plan, where do you fall under? Would he revert back to the Class II? Would he be coming in as a DC Plan and how are you going to re-compute that? I think that is the question we should look at because there is also a Public Law that says everybody that comes in – the Define Benefit (DB) Plan is frozen, so are we going to compute that based on the DC Plan where the guy contributes 10% of his paycheck and that could be higher or could be less – I do not know we do not have the figures. But the practice right now of computing it based on wages and the three highest salaries I think should be consistent. So think about it. Thank you.

Speaker Arnold I. Palacios: Okay. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. The original of the version of the bill was intended to allow members whether retired or current members who were in either Staywell or Moylans or Calvo's Insurance to come and join Aetna and that would of allowed for the spread of the premiums and would have lowered it and I have no objections to Representative Benavente's math – you know if you work for twenty-four years you should be paid accordingly, whether you came in or came out. The problem I have, Mr. Speaker is that, Public Law 15-70 is still in placed. If the bill in its original form or even through the Senate amendments had said, notwithstanding Public Law 15-70 this provision shall apply – that would have been something different. But we still have yet to comply with Public Law 15-70, unless we are going to make that amendment here and shoot it back up to the Senate, otherwise we cannot ignore that requirement – we can amend Public Law 15-70, but that is not being called for in this particular bill.

Representative Benavente: Clarification, Mr. Speaker.

Speaker Arnold I. Palacios: State your point.

Representative Benavente: We were faced with this question before and I do believe and I stand to be corrected by the Legal Counsel, but case laws does provide for that - if there is a conflict in this statute that the newer statute takes precedent. The Floor Leader is saying that this particular section, the rider does not specifically say that it amends the previous Public Law. Then this particular rider

would supersede the previous public law and I stand to be corrected once again, but Floor Leader, I do not think that should be an issue or a problem as far as procedure. Thank you.

Speaker Arnold I. Palacios: That is a very good question and you have that precedent over – you also have the severability portion of that concern. Let us take a short recess.

The House recessed at 12:00 p.m.

RECESS

The House reconvened at 12:03 p.m.

Speaker Arnold I. Palacios: We are back to our plenary session.

Representative Benavente: Point of clarification, Mr. Speaker.

Speaker Arnold I. Palacios: State your point, Representative Benavente.

Representative Benavente: Representative Sablan does have the privilege of offering a subsidiary motion in a form of a deferment, but I think there will be limited to that at this point given that there is a current motion on the floor. So we either act on the motion to decide to either pass it or vote yes or no on it – or move to defer action then we need to vote on that as well.

Representative Sablan: Could I also offer a motion to withdraw the current motion?

Speaker Arnold I. Palacios: You are out of order on that I think. There is a motion on the floor you cannot ask that motion be withdrawn. Ready. Clerk, please call the roll.

The Clerk called the roll on the motion to H. B. NO. 16-68, SD1 on First and Final Reading.

Representative Edwin P. Aldan	yes
Representative David M. Apatang	abstain
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	no
Representative Francisco S. Dela Cruz	no
Representative Joseph P. Deleon Guerrero	absent (excused)
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	absent (excused)
Representative Joseph C. Reyes	no
Representative Christina M. Sablan	no
Representative Edward T. Salas	no
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	no
Representative Ralph DLG. Torres	absent (excused)
Representative Stanley T. McGinnis Torres	absent (during voting)
Representative Ray N. Yumul	absent (during voting)
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of seven yes, H. B. NO. 16-68, SD1 hereby passes the House on First and Final Reading. The vote has been called, we cannot go back. Representative Yumul, was called. We will talk about it when we come back from lunch. Let us recess for lunch.

The House recessed at 12:09 p.m.

RECESS

The House reconvened at 2:07 p.m.

Speaker Arnold I. Palacios: We have established a quorum. Those who have decided not to come back to this session, well, they forfeited their right to deliberation this afternoon. I would like to go back to the Resolution Calendar and address the amendments to the House Rules that we need to be in compliant to with the Open Government Act. Ready.

RESOLUTION CALENDAR

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to suspend House Rule XVI, Subsection (1) in reference to amending the House Rules.

The motion was seconded.

Speaker Arnold I. Palacios: The motion is to suspend House Rule XVI, Subsection (1) and has been seconded, discussion on that motion. Ready. Representative Tebuteb, recognized.

Representative Tebuteb: Thank you, Mr. Speaker. I am trying to figure out what page is that? Thank you.

Speaker Arnold I. Palacios: Discussion. We need to suspend that Rule so that we could amend our House Rules to be in compliant with the Open Government Act. We have discussed the Resolution to effectuate the amendments at length for almost two days. Ready.

There being no further discussions the motion was carried by voice vote.

Speaker Arnold I. Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. Now that we have suspended the Rules – a motion to adopt H. R. NO. 16-103 in reference to Open Government Act and the House Rules.

The motion was seconded.

H. R. NO. 16-103: A HOUSE RESOLUTION TO AMEND THE HOUSE RULES IN ORDER TO COMPLY WITH THE OPEN GOVERNMENT ACT OF 2007, RATIFIED AT THE GENERAL ELECTION ON NOVEMBER 7, 2009.

Speaker Arnold I. Palacios: The motion is for the adoption of H. R. NO. 16-103, HD1 and has been seconded, discussion on the motion. Representative Sablan, recognized.

Representative Sablan: Pursuant to our earlier discussions, I wanted to offer an oral amendment to insert in the Order of Business Rule, which would be Rule VI on pages 9 and 10 – to insert after the *Roll Call (2)* and then *Public Comment*. And to do the same on page 10 after *Call of the Roll and the Opening Prayer* and renumber accordingly but to insert after the *Call of the Roll* the requirement for *Public Comment*. Just additional technical amendments to correct the misspelling of *waiver* on page 6 and in section 7. And then in Section 6, again another typo, but it should read *Notices shall contain an Agenda of items to be considered at the session or meeting once filed as part of this notice, and strike-out “d” in “and” Agenda*.

Speaker Arnold I. Palacios: Representative Salas, recognized.

Representative Salas: Representative Sablan, could you go back again?

Representative Sablan: These are just typographical errors that I wanted to correct on the record. Section 6, page 6, it should read in the middle of that section – *Once filed as part of this notice, an Agenda* – right now it reads “and” just to strike-out “d” from “and” and then to correct the misspelling of “waiver” on section 7.

Speaker Arnold I. Palacios: I will allow you to get together with the Clerk and make those technical corrections.

Representative Sablan: And the final technical amendment just for the members information in Rule V Section 12 there should be a reference to the part of the Open Government Act that was inserted it is on page 9 and the reference is “*1 CMC §9906*” and that is my motion.

Speaker Arnold I. Palacios: So the main amendment that is being offered by Representative Sablan is on Rule VI, Section 1, Order of Business – number 2, you insert Public Comment after Roll Call and renumber accordingly. The same goes on Section 2, insert after Call to Order put in a number “2” Public Comment and renumber accordingly. Okay. Is there a second to that motion?

The motion was seconded.

Speaker Arnold I. Palacios: Discussion on the motion, Representative Babauta on point of clarification.

Representative Babauta: Inserting that Public Comment after the Roll Call – what is the rationale?

Speaker Arnold I. Palacios: Let me ask the Floor Leader to answer you?

Representative Babauta: I mean, I am alluding to the fact that if we have an Agenda we are saying that we need a Public Comment before we move to the Agenda?

Speaker Arnold I. Palacios: The Agenda would have been published already ahead of time – 72 hours is the requirement. A member of the public can come in take a look at the Resolutions, the Bills – the legislations that are going to be on that Agenda that are going to be entertained. So members of the public at the beginning of the session could allude and give their comments regarding any part of the Agenda whether it is...

Representative Babauta: I mean if you want Public Comment after the Roll Call, would that sidetrack the Agenda itself, Mr. Speaker. We are going to go from Public Comment to directly back to Bill Calendar so to speak.

Speaker Arnold I. Palacios: Let us take a short recess.

The House recessed at 2:15 p.m.

RECESS

The House reconvened at 2:28 p.m.

Speaker Arnold I. Palacios: We back to our plenary session. Representative Sablan, could you make those changes to the amendment motion?

Representative Sablan: Yes, just to revise the oral amendment - so on page - publish on time we would insert public comment and other communication and do the same on section 2. (*Due to technical difficulties digital recordings of Representative Sablan's statements were not picked up*)

Speaker Arnold I. Palacios: I do not believe we need this public comment in the Organizational Session – I do not think there would be public comment – there is nothing going to be deliberated on this day only swearing-in of members and giving their speech and that it is. The first part is the one that is important. Okay. Is there a second to that motion?

The motion was seconded.

Speaker Arnold I. Palacios: Is everybody clear with that amendment? Ready for the question?

There being no further discussions the motion was carried by voice vote.

Speaker Arnold I. Palacios: We are back to the main motion. Ready. Clerk, please call the roll.

The Clerk called the roll on the motion to H. R. NO. 16-103, HD1 on First and Final Reading.

Representative Edwin P. Aldan	yes
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	absent (excused)
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	absent (excused)
Representative Joseph C. Reyes	absent (during voting)
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	absent (during voting)
Representative Ramon A. Tebuteb	yes

Representative Ralph DLG. Torres	absent (excused)
Representative Stanley T. McGinnis Torres	abstain
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of twelve yes, H. R. NO. 16-103, HD1 is hereby adopted by the House. I am inclined to call for a session next week. Floor Leader, a motion for adjournment until next week I think we had quite a lengthy session this week. Representative Apatang, recognized.

Representative Apatang: Thank you, Mr. Speaker, but before I leave this Sixteenth Legislature, I would like to see that we work on the budget and finish it up. So can we ask the Chairman to push on it so that we can pass it and so I can sleep well when I go to Idaho?

Speaker Arnold I. Palacios: Thank you. Representative Salas, recognized.

Representative Salas: Has the Conference Committee met yet, Mr. Speaker?

Speaker Arnold I. Palacios:: Representative Yumul, what is going on with the Conference Committee?

Representative Yumul: Thank you, Mr. Speaker. I have sent a notification to the Senate President's office about the Conference Committee from the House side that it is assembled and ready to meet. They have forwarded my memo over to Senator Paul Manglona's office and we are now just waiting for a reply from them. Thank you.

Speaker Arnold I. Palacios: Thank you. Floor Leader, a motion for adjournment subject to the call of the Chair.

Floor Leader Camacho: Mr. Speaker, a motion...

Speaker Arnold I. Palacios: Hold on, Floor Leader. Let us move down to Miscellaneous.

MISCELLANEOUS BUSINESS

Speaker Arnold I. Palacios: Short recess.

The House recessed at 2:35 p.m.

RECESS

The House reconvened at 2:37 p.m.

Speaker Arnold I. Palacios: We are back to our plenary session. Representative Sablan, recommends that we reconsider our action on the retirement health insurance bill. What are your sentiments?

Representative Salas: Considering that it was very close I think we should – because there was one question about one vote.

Speaker Arnold I. Palacios: At any time that a member – she raises a question whether we can reconsider it – if she wants to make a motion to reconsider it we can do that and we can vote on it. Floor Leader, am I correct?

Floor Leader Camacho: Mr. Speaker, in regards to because otherwise it prevents the non-prevailing from delaying - the side that is trying to change the vote that is the side that really should – for example I already voted no *pues para hu bota talo no* it is...

Speaker Arnold I. Palacios: The Chair will take a short recess.

The House recessed at 2:40 p.m.

RECESS

The House reconvened at 2:44 p.m.

Speaker Arnold I. Palacios: We are back to our plenary session and I had asked our Legal Counsel for guidance on this reconsideration motion and clarify the air on this one. I now recognize the Legal Counsel.

Legal Counsel JP San Nicolas: Yes, Mr. Speaker. Under Rule X, Motions, Section 6, Motion to reconsider, it says, when a main motion has been made once and carried in the affirmative or negative it shall be in order for any member of the House to move to reconsider it on the same or succeeding day of the session during the appropriate Order of Business. The motion to reconsider is debatable a simple majority shall be required for passage. When a motion for reconsideration has been defeated a second motion for reconsideration of the same question shall not be in order. So there is only one shot at motion for reconsideration. Now, Mr. Chairman, there is mention that under the Mason Rules it depends on the opposite or where you stood on the vote, but I want to point to the members, Mr. Speaker that under Rule XVI, Section 2, referring to the Mason's Manual of Legislative Procedure is necessary if there is ambiguity or conflict. This motion to reconsider does not appear to be ambiguous.

Representative Sablan: It has to be on the same day of the Session?

Legal Counsel JP San Nicolas: Same day or succeeding day.

Speaker Arnold I. Palacios: Representative Dela Cruz, recognized.

Representative Dela Cruz: Thank you, Mr. Speaker. I have question to the Legal Counsel. Those that voted this morning on this particular legislation that are not present now – if the motion to reconsider succeeds and we do take a vote what will the votes of those Representatives that were here this morning then be?

Legal Counsel JP San Nicolas: Well, they would be included as absent for the purpose of taking the vote for the motion to reconsider.

Representative Sablan: Are the members who are present this morning and are not present today were they excused for session?

Speaker Arnold I. Palacios: One member is. Representative Babauta, recognized.

Representative Babauta: For the purpose of voting this afternoon regardless whether that member voted yes or no on the subject matter this morning – their absence nevertheless is outside of the composition of the members this afternoon. So the fact that we established quorum they are considered part of the quorum but absent for purpose of voting.

Speaker Arnold I. Palacios: Representative Benavente, recognized.

Representative Benavente: There is also one provision of our Rules and I would like for the Counsel to clarify. Under Rule XI, Section VIII, Change of vote – a member shall not vote or change his vote after the announcement of the result of the vote by the Speaker – would that extend to a reconsideration motion or is that limited...

Speaker Arnold I. Palacios: I think I will allow for the Counsel to make that. Short recess.

The House recessed at 2:48 p.m.

RECESS

The House reconvened at 2:49 p.m.

Speaker Arnold I. Palacios: We are back to our plenary session and I now recognize Representative Sablan.

Representative Sablan: Yes, Mr. Speaker, I would like to make that motion to reconsider our action on H. B. NO. 16-68, SD1.

The motion was seconded.

Speaker Arnold I. Palacios: Ready for the question. Discussion on the motion, Floor Leader, recognized.

Floor Leader Camacho: Now, if I do not want to change my vote, but if I vote yes to the motion to reconsider and I still vote no...

The Speaker called for the voice vote for the motion for reconsideration of H. B. NO. 16-68, SD1 there being a division on the floor the Speaker called upon the Clerk for the calling of the roll.

The Clerk called the roll on the reconsideration motion to H. B. NO. 16-68, SD1 on First and Final Reading.

Representative Edwin P. Aldan	no
Representative David M. Apatang	no
Representative Oscar M. Babauta	no
Representative Diego T. Benavente	no
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	absent (excused)
Representative Victor B. Hocog	absent (excused)
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	no
Representative Justo S. Quitugua	absent (excused)

Representative Joseph C. Reyes	absent (during voting)
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	absent (during voting)
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	absent (excused)
Representative Stanley T. McGinnis Torres	no
Representative Ray N. Yumul	abstain
Speaker Arnold I. Palacios	no

Speaker Arnold Palacios: The motion for reconsideration is hereby defeated. Floor Leader, adjournment motion.

ANNOUNCEMENT

NONE

ADJOURNMENT

Floor Leader Joseph N. Camacho moved to adjourn subject to the call of the Chair; it was seconded and carried by voice vote.

The House adjourned at 2:51 p.m., subject to the Call of the Chair.

Respectfully submitted,

Linda B. Muña, Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

FIRST APPEARANCE: 1st Legislative appearance of a local bill is on the day it is introduced.

SECOND APPEARANCE:

H. L. B. NO. 16-47: To appropriate the sum of \$10,000.00 from Tinian Local Laws 16-4 ad 16-6; and for other purposes. (Rep. Edwin P. Aldan)

H. B. NO. 16-48: To reappropriate \$50,000.00 from section 2(c) of Saipan Local Law 14-31; and for other purposes. (Rep. Rosemond B. Santos)

THIRD APPEARANCE: NONE