

HOUSE OF REPRESENTATIVES
TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2000

TWENTY-NINTH DAY

March 20, 2000

The House of Representatives of the Twelfth Northern Marianas Commonwealth Legislature convened in its Twenty-Ninth Day, First Regular Session, on Monday, March 20, 2000, at 1:46 p.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.

In accordance with Rule XIII, § 2(a), seventeen members were present and Representative Antonio M. Camacho was excused.

Speaker Fitial: Representative Antonio Camacho is still trying to finalize the budget. So he is still inside the building and he will be appearing very soon. I received a note from Representative Stanley Torres, indicating that he will be appearing in court this afternoon.

Rep. S. Torres: Mr. Speaker, I am done and I'm back. Thank you.

Speaker Fitial: A quorum is duly constituted for the Twenty-Ninth Day of our First Regular Session.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

None

INTRODUCTION OF RESOLUTIONS

H. R. NO. 12-39: A House Resolution requesting the United States and the Commonwealth of the Northern Mariana Islands Employ the following definition of the word "sovereignty" as used in Section 101 of the Covenant and the term "local self-government" as used in Section 103 of the Covenant.

Offered by: Rep. Dino M. Jones

Referred to: Committee on Judiciary and Governmental Operations

MESSAGES FROM THE GOVERNOR

None

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

None

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, earlier, I asked the members to include Standing Committee Report No. 12-75, relative to House Bill No. 12-87 on Item 12 of the Order of Business.

Speaker Fitial: Does everyone have a copy? -- Some members do not have a copy of the said Standing Committee Report. Does everyone have a copy now? Floor Leader?

Floor Leader Babauta: Thank you, Mr. Speaker. Mr. Speaker, I move for the adoption of Standing Committee Report No. 12-72, relative to House Bill No. 12-88; Standing Committee Report No. 12-73, reference to House Resolution Nos. 12-36 and 12-37; Standing Committee Report No. 12-74, reference to House Resolution No. 12-38; and Standing Committee Report No. 12-75, reference to House Bill No. 12-87.

The motion was seconded.

S. C. R. NO. 12-72: Reporting on House Bill No. 12-88, entitled, “A Bill for an Act to prohibit the foreclosure of a primary family residential; and for other purposes.” *Your Committee on Health and Welfare recommends that the Bill be filed by the House.*

S. C. R. NO. 12-73: Reporting on House Resolution No. 12-36, entitled, “A House Resolution to request voluntary contributions to assist the youths of the Commonwealth to participate in the XIII World Youth Day Jubilee 2000 to be held in Rome beginning August 15 to August 20, 2000.” and, House Resolution No. 12-37, entitled, “To fully support and promote the establishment of youth programs throughout the villages of the Commonwealth.” *Your Committee on Health and Welfare recommends adoption of both resolutions.*

S. C. R. NO. 12-74: Reporting on House Resolution No. 12-38 entitled, “A House Resolution to congratulate and commend Ms. Elaine Marie Leilani A. Cabrera who has recently graduated from Chaminade University, Honolulu, Hawaii.” *Your Committee on Health and Welfare recommends its adoption.*

S. C. R. NO. 12-75: Reporting on House Bill No. 12-87, entitled, “A Bill for an Act to amend the Public School System Capitol Improvement Projects Appropriation Act of 1999 (Public Law 11-89); and for other purposes.” *Your Committee on Ways and Means recommends that the Bill be passed by the House on First and Final Reading.*

There was no discussion raised. The motion to adopt Standing Committee Report Nos. 12-72, 12-73, 12-74, and 12-75 was carried by voice vote.

Speaker Fitial: Standing Committee Report Nos. 12-72, 12-73, 12-74, and 12-75 are adopted.

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the adoption of House Resolution Nos. 12-36, 12-37, and 12-38.

The motion was seconded.

H. R. NO. 12-36: A HOUSE RESOLUTION TO REQUEST VOLUNTARY CONTRIBUTIONS TO ASSIST THE YOUTHS OF THE COMMONWEALTH TO PARTICIPATE IN THE XIII WORLD

YOUTH DAY JUBILEE 2000 TO BE HELD IN ROME BEGINNING AUGUST 15 TO AUGUST 20, 2000.

H. R. NO. 12-37: A HOUSE RESOLUTION TO FULLY SUPPORT AND PROMOTE THE ESTABLISHMENT OF YOUTH PROGRAMS THROUGHOUT THE VILLAGES OF THE COMMONWEALTH.

H. R. NO. 12-38: A HOUSE RESOLUTION TO CONGRATULATE AND COMMEND MS. ELAINE MARIE LEILANI A. CABRERA WHO HAS RECENTLY GRADUATED FROM CHAMINADE UNIVERSITY, HONOLULU, HAWAII.

There was no discussion raised. The motion to adopt House Resolution Nos. 12-36, 12-37, and 12-38 was carried by voice vote.

Speaker Fitial: House Resolution Nos. 12-36, 12-37, and 12-38 are adopted.

BILL CALENDAR

The Chair recognized the Floor Leader.

Floor Leader Babauta: Mr. Speaker, I move for the suspension of Rule IX, Sections 9 and 10 for the passage of House Bill No. 12-87 under Standing Committee Report No. 12-75.

The motion was seconded and carried by voice vote.

Speaker Fitial: The motion carries. Floor Leader?

Floor Leader Babauta: Mr. Speaker, I now move for the passage of House Bill No. 12-87 on First and Final Reading.

The motion was seconded.

H. B. NO. 12-87: A BILL FOR AN ACT TO AMEND THE PUBLIC SCHOOL SYSTEM CAPITOL IMPROVEMENT PROJECTS APPROPRIATION ACT OF 1999 (PUBLIC LAW 11-89); AND FOR OTHER PURPOSES.

Speaker Fitial: Discussion? Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. I know that the board took up this issue about constructing two high schools versus constructing one additional high school other than Marianas High School presently, and this is prompted by the bond proceeds enacted in the last Legislature. I know also that the time is critical in making decisions so that this project can be issued out for bids and thereby initiated draw downs, they have not done so as of today. Mr. Speaker and members, we must think of this initiative to create two new high schools because the total budget allocated for high school under the bond proceed and the matching fund under 702, accumulative is, \$10,540,000. If you take the \$10,540,000 and assuming that the intention of this Bill is to divide \$10,540,000 equally then you come out with roughly \$5.275. Five Million Dollars in

today's cost of approximately \$140 per square foot, construction cost, including collaterals, will not get us a realistic facility that would accommodate the needs of high school for instance. I must caution that the approach in building or constructing a new high school elsewhere, whether it be in Koblerville or in Kagman that we do one high school first, and see what the fund balance is and then we can reprogram funds from the \$30,000,000 that is earmarked already to PSS for facility or to come up with additional funding to provide for an adequate appropriation to construct a new high school. Five Million Dollars at today's cost will not get you a facility that would accommodate the high school students. We are talking about amenities that are in themselves necessary component to the high school. One of them is the sports facility, second, is the administrative building, third, would be collateral buildings that are necessary and distinct from junior and elementary facilities. Preliminary outlook dictates that the first high school that should be build is in Kagman because of the ongoing projects and dedicated funds already appropriated for that elementary and junior high school. There is sufficient land area dedicated for the construction of a new high school. To duplicate a high school elsewhere – in the public hearing last Legislature, it proves that the population of high school students in the Public School System does not justify constructing two high schools. Logistically, Marianas High School and the proposed Koblerville High School will be in the same congestion area. The intention of building it away from the southern section is to divert the traffic congestion on a daily basis, it will also ease the complications of the busing logistics. I know, Mr. Speaker and members that we would like to have two high schools additionally from what we have, the Marianas High School, the only high school, but let us be practical, Five Million Dollars is not going to give us a high school that would be adequate in serving the number of students. Second of all, this language on line 4, amending it to just two new high schools, at \$10,540,000 does not guarantee that one high school would expend the entire \$10,000,000 or what operation of the \$10,540,000 would be accommodating two high schools. One high school can cost \$8,000,000 and the other high school, which is left to be construct with \$2,000,000. This is an inadequate language in my opinion, Mr. Speaker and members, and we must caution because once we bid out the project, one of the rules that OIA has imposed on the Commonwealth is that, first, a master plan has to be done; second, property; and third, the appropriate amount of money dedicated or set aside for the construction of the intended facility. \$5,000,000 is inadequate if you break it down into equal portion. If one high school is to be build, then let us build first one high school and see what necessary action that the Legislature must intervene in terms of funding or in terms of logically defending another high school. Today, there is only a little over thousand students at Marianas High School. You divide that into two, which is according to PSS and the principal at Marianas High School, 600 students up to maximum of 700 is an ideal number of students for a high school, it is manageable. Duplicating it would require that we again appropriate for the maintenance and operations of the high school and personnel cost. That is the tell-end of creating two high schools immediately. There is no statistics that prove otherwise, it does not indicate base on current population that are enrolled in public school that requires the system to have two new high schools at the moment. So, my recommendation, Mr. Speaker, is that we caution ourselves in passing such a general language because one high school can eat up the entire Ten Million Dollars. In fact, it is stipulated that it is not enough. So, I caution again the members that this is an inadequate language in accommodating the needs of two high schools. Thank you.

Rep. Benavente: Mr. Speaker?

Speaker Fitial: Representative Benavente?

Rep. Benavente: Thank you. Representative Hofschneider, pointed out that we all would like as many schools as we can possible have, but he also pointed out that we need to be practical. I think that this is very important when discussing this legislation. We know for a fact right now that there is an overcrowding at Marianas High School and there is a need for all the reasons that Representative Hofschneider pointed out. There is a need for another high school to reduce the over crowdedness at Marianas High School, to remove the congestion with the traffic, just to give our local people a better -- bring the school closer to the community so that it is easier for our people to whether take their kids to school, in this case high school, and that is the reason why it is important to have a high school in the northern section of the island right now, or in Kagman, in this case that we are talking about, that is very practical that we do right away. If we now propose to build two high schools, it be three all together, it is not only that not practical, but also this Bill might jeopardize the construction of this new high school that is very needed at this time. The reason why I say that it is not practical for us to consider two high schools at this time is because the student are not there. We build two and we divide 1080 students that we have in Marianas High School that brings it down to a little over 500 per school. That, I am sure, Marianas High School would be able to accommodate. But what that means also is that we've got to create a new administration, a lot more teachers, and maintenance people, and just the administrative cost that we are going to find the money to appropriate for every year. We can't just build a high school for the purpose of having a high school on the south when it is not necessary. And again, the concern that I would have is let us not jeopardize the needed high school in Kagman area right now. Thank you.

Speaker Fitial: Further deliberation, Representative Apatang?

Rep. Apatang: Thank you, Mr. Speaker. In fact during the public hearing on this particular issue, I attended the public hearing and I supported the two high schools. The question is, have we verified with the Board of Education whether the two high school divided with the \$10,000,000 some equally will support the two high schools without any problem? I wonder if that has being verified by the author?

Speaker Fitial: Chairwoman Ichihara, do you have any response at this time?

Rep. Ichihara: What I understand, Mr. Speaker, is that, it was enough after dividing this into two, but my Bill does even specify as to whether or not to build two high schools simultaneously. And so, if we establish this Bill, I hope that the board will make that decision as whether to build one high school first then the other, but this Bill does not specifically state that both will be constructed at the same time.

Rep. Apatang: Mr. Speaker?

Speaker Fitial: Proceed.

Rep. Apatang: For clarification purposes, will this allow the board to decide to go ahead and build one and if there is enough money left over, they can build an additional high school?

Rep. Ichihara: The ultimate goal is to build two high schools and if they build one first then the other, I don't see that as a problem.

Rep. Hofschneider: Clarification, Mr. Speaker.

Speaker Fitial: Clarification on what?

Rep. Hofschneider: On not being a problem by making a general language as to two high schools and not making a distinction as to the appropriate ratio of two high schools. What the Chairperson is saying is exactly what is going to occur in that the board may go ahead and issue one bid for constructing high school that would eat up a great of portion of the Ten Million Dollars be the very little fund balance for the second high school which is in essence of building one high school along.

Speaker Fitial: If the committee ascertain where these two high schools will be constructed?

Rep. Ichihara: They are correct. There is going to be one in Kagman and one in Koblerville, that is my understanding of where the two high schools will be built on.

Speaker Fitial: According to the Committee Report in your findings, that the committee reports the idea of constructing two smaller high schools.

Rep. Ichihara: That is true, Mr. Speaker.

Speaker Fitial: Smaller than what? When you said smaller, you are referring to something bigger. I think the maximum number of students will be house per these high schools size will be six hundred instead of going to one thousand number of student population. So, that is why the original one with just one is intended to be a much bigger school somewhere similar to Marianas High School.

Rep. Hofschneider: Can we take a short recess, Mr. Speaker?

Speaker Fitial: Representative Pangelinan, you are recognized.

Rep. Pangelinan: Thank you. I was a board member when a decision to build a high school turned into a larger lengthy debate on whether the two high schools are needed? The original plan was to build the state-of-the-art high school with all the amenities, the gym, the olympic size track and field area, the softball field, baseball field, and all those, with state-of-the-art academic classrooms, science lab, library and administration building, and all those, but the argument was that the board members failed that the site in Koblerville was the most appropriate site, then I thought and said, let us locate it in the northern or eastern part of the island because of the other impacts, like the traffic congestion and so forth. So, after the long argument we compromised the issue and said, let us build two high schools instead. However, the Ten Million Dollars plus will simply build – if we want to build one high school, it will be the state of the arch high school, if we are going to build two high schools, there are a lot of areas that we will not complete. Like, there will be no gym in the two high schools, very limited sports facilities – because this includes collaterals, buying books, instructional materials, instructional technologies that are really needed

in a school area. But, don't forget the essence, the need is there. Marianas High School (MHS) was completed in 1969, today is the year 2000, you minus that and you get 31 years. We had failed to build the second high school for Saipan for 31 years. If you are part of the failure, please do something about it and support this intension. But, don't forget 31 years we have failed to build another high school despite that the over crowding issue at MHS has been in the system for the last fifteen years. Another area we should be thinking that MHS vocational building will be turn into a trade school center, similar to GCC in Guam, once the new high schools are done.

Speaker Fitial: Representative Ada?

Rep. Ada: Thank you, Mr. Speaker. I am in support of Representative Pangelinan's comments, that first, we definitely need that high school. For far too long, we have been including in our political platform about education, I think it is time we do something about it. Thank you.

Speaker Fitial: Representative William Torres?

Rep. W. Torres: Mr. Speaker, to accommodate the concerns of the school and the concerns of the House, perhaps a simple language should be added to simply say, "up to two high schools" and that will definitely give priority to completing one over the other.

Speaker Fitial: We are going to be running into the Secretary of Finance's problem like that. Representative Jones?

Rep. Jones: If it is the funding that matters, but as a whole, it is a solution to the respond of the over crowding and the traffic, then perhaps, we venture into exploring the possibility of tapping the second \$3,000,000 on CIP, and see, whether we can use portion of it to accommodate whatever remaining necessary to make possible the reality of constructing two high schools, is a valid approach in my opinion. Thank you.

Speaker Fitial: Representative Rosiky Camacho?

Rep. Rosiky Camacho: Thank you, Mr. Speaker. Mr. Speaker, that is one of the rule, the Board of Education is a policy maker, we in the Legislature, approves appropriation for such endeavor that the board have wish. Let us give the board that respect and let us move forward. They have made that decision. They want us to appropriate that money. Thank you, Mr. Speaker and fellow colleagues.

Speaker Fitial: Representative Peter?

Rep. Peter: Thank you, Mr. Speaker. Public Law 11-89 stated that there will be one high school build and, therefore, we are amending it by a Bill to request to amend it with how the Commission and the Board of Education want it or see the need that we have two high schools instead of one. Mr. Speaker, I think the board and the commissioner have their own plans of how these two new high schools are to be built and the problem here is that they did not specify to the committee of how, or what plans they have on how to pursue with two new high schools as requested.

Speaker Fitial: Okay. Representative Hofschneider?

Rep. Hofschneider: Thank you, Mr. Speaker. I was going to share that preliminarily. The Department of Public Works was looking at cost savings approaches, one approach is that, if it is build in Koblerville then all the added, or supporting facility, the administrative facility, the cafeteria, the track and field will be stand alone so that is going to eat up most, if not all, of the \$10,000,000. The other approach is, to look at the on going construction of the elementary and junior high school in Kagman. They can share, for instance, a track and field can be share by all three levels, elementary, junior and senior high schools. The added facility, the baseball, diamond, and the proposed swimming pool, those can be co-share by the three levels, elementary, junior and high schools. Appropriately, there is an on going project in Kagman and if our intention is to construct a quality high school then it is most appropriate to give it to Kagman because the area is being master plan not only elementary, not only for junior, but also for a high school. It is an expensive endeavor if we are going to construct it in Koblerville because of all the necessary components of a high school. And, like I said, the administrative building, the support, and the facilities that are required by the high school level, which is the sports facility, so duplicating it in Koblerville while the elementary schools in the nearby area do not have those facilities may in fact be advantageous for those elementary or junior high school to co-share a common facility. Now, if the intention is to build two than so be it, Mr. Speaker, but I caution that Five Million Dollars at today's cost of a \$140.00 construction per square foot, would only give us a little over 37,000 square foot of a facility that is not even close to the required square footage for a high school. Thank you.

Speaker Fitial: Further deliberation? There's being no further deliberation. We are going to be voting on the passage motion on House Bill No. 12-87 on First and Final Reading. Roll call.

The Clerk called the roll on the motion to pass House Bill No. 12-87 on First and Final Reading as follows:

Rep. Martin B. Ada	yes
Rep. David M. Apatang	yes
Rep. Jesus T. Attao	no
Rep. Oscar M. Babauta	yes
Rep. Diego T. Benavente	no
Rep. Antonio M. Camacho	excused
Rep. Rosiky F. Camacho	yes
Rep. Florencio T. DLGuerrero	yes
Rep. Heinz S. Hofschneider	no
Rep. Brigida DLG. Ichihara	yes
Rep. Dino M. Jones	yes
Rep. Alejo M. Mendiola, Jr.	yes
Rep. Norman S. Palacios	yes
Rep. Thomas B. Pangelinan	yes
Rep. Maria "Malua" T. Peter	yes
Rep. Stanley T. Torres	no
Rep. William S. Torres	yes
Speaker Benigno R. Fitial	yes

Speaker Fitial: House Bill No. 12-87 passes the House on First and Final Reading. Floor Leader?

Floor Leader Babauta: Recess?

Speaker Fitial: Any bill on the Calendar?

Floor Leader Babauta: Mr. Speaker, because of the conditions that were discussed yesterday, the Committee Chair will be wrapping up changes on the Budget Bill, unless, we will recess until tomorrow.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

The Chair recognized Rep. Peter.

Chairwoman Peter: Thank you, Mr. Speaker. Health and Welfare Committee meets at one o'clock tomorrow at my office, and at 1:30, it will be followed by a public hearing on House Bill No. 12-57. Thank you.

Speaker Fitial: Representative Jones?

Chairman Jones: Judiciary and Governmental Operations Committee meeting on Wednesday at 8:30 in the morning followed by a public hearing at 1:30 on House Bill No. 12-134.

Speaker Fitial: Representative Ichihara?

Chairwoman Ichihara: Education Committee meeting at 1:30 p.m. in the Leadership Conference Room.

Speaker Fitial: Further Announcement?

Chairwoman Peter: Mr. Speaker?

Speaker Fitial: Representative Peter?

Chairwoman Peter: Mr. Speaker, what was Chairman Jones announcement?

Chairman Jones: Judiciary and Governmental Operations Committee meeting.

Chairwoman Peter: When?

Chairman Jones: Wednesday.

Chairwoman Peter: At 1:30?

Chairman Jones: No, at 8:30 in the morning.

Chairwoman Peter: Thank you.

Speaker Fitial: I believe everyone is aware that we are supposed to have a joint session on Wednesday, for the Covenant Day Essay Contest award, but I met with the person this morning and he said, he was going to get back to me later on today to see if the Senators would like to join in the joint session. Otherwise, it looks to me that the House will be having a session on Wednesday, not a session, but just a meeting to present the award to the winners of the Covenant Day Essay Contest. That will be at 1:30 on Wednesday afternoon.

Rep. Attao: Mr. Speaker, do you have any idea as to the Saipan and Northern Islands Legislative Delegation when to meet?

Speaker Fitial: I am waiting for Representative Hofschneider to call the meeting.

Rep. Hofschneider: May I?

Speaker Fitial: Go ahead.

Rep. Hofschneider: I worked it out with the Senate, Mr. Speaker, and if everyone is comfortable calling it Wednesday, either in the morning or in the afternoon after our session, we are okay.

Chairman Jones: Mr. Speaker, the public hearing has been set for 1:30 this Wednesday on House Bill No. 12-134.

Speaker Fitial: 1:30?

Chairman Jones: Yes.

Speaker Fitial: Okay. So let us meet at 1:00 then instead of 1:30 for the presentation of the award.

Chairman Jones: Thank you.

Speaker Fitial: House Clerk, can you please advise the Humanities Council, that the presentation will be at 1:00 instead? Floor Leader?

Floor Leader Babauta: Mr. Speaker, I move to recess until ten o'clock tomorrow morning.

The motion was seconded carried by voice vote.

The House recessed at 2:50 p.m.

Respectfully submitted,

Joan P. Kaipat, Journal Clerk
House of Representatives