



HOUSE OF REPRESENTATIVES

TWENTY-SECOND LEGISLATURE

COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

P.O. BOX 500586 SAIPAN, MP 96950

CELINA R. BABAUTA

CHAIRPERSON

JUDICIARY AND GOVERNMENTAL OPERATIONS COMMITTEE

STANDING COMMITTEE REPORT NO. 22-6

DATE: APRIL 22, 2021

RE: H.B. 22-05

The Honorable Edmund S. Villagomez
Speaker of the House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations to which was referred:

H. B. No. 22-05:

“To amend 1 CMC §20175 to include additional members to serve on the Planning and Development Advisory Council (PDAC); and for other purposes.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. No. 22-05 be passed by the House in the form of House Draft 1.

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 22-05 is to amend 1 CMC §20175 to include additional members to serve on the Advisory Council for Planning and Development.

B. Amendments:

In addition to non-substantive technical amendments, the Committee made the following amendments to strengthen the intent of House Bill No. 22-05.

- Page 3
 - Line 13, after the word “members”:
 - **Insert** “, or their respective designee”

C. Committee Findings:

Your Committee finds that the Office of Planning and Development (OPD), an office established pursuant to Public Law 20-20, was created to improve the planning process, increase effectiveness of government and private actions, improve coordination among agencies and other levels of government, to provide wiser use of our resources, and to guide future development of the CNMI. Such developments include economic, infrastructure, and physical development of the CNMI. Furthermore, OPD is mandated to develop the CNMI Sustainable Development Plan which shall contain objectives, standards, and principles with respect to the most desirable use of land with the CNMI for residential, recreational, agriculture, commercial, and other purposes. The future development of our Commonwealth, cognizant of the limited resources we possess, is critical for future generations to come.

Your Committee further finds that pursuant to 1 CMC §20175, the Planning and Development Advisory Council was established within the Office of Planning and Development to prepare the previously mentioned CNMI Sustainable Development Plan. This advisory council consists of secretaries, directors, and other various representatives from different government agencies/entities, autonomous and non-autonomous. Furthermore, the advisory council currently consists of fifteen members. Your Committee finds that it would be appropriate to include additional members to the Planning and Development Advisory Council to provide additional insight to the development plan from different perspectives. With the inclusion of certain additional members, the advisory council will be able to come up with a more effective and efficient development plan for future developments to come for the CNMI.

It is the intent of your Committee to amend the proposed legislation to allow for respective members of the council to appoint a designee in the event that such member is unable to participate on the activities of the advisory council. Providing such flexibility will still allow for each entity’s perspective to be equally represented during deliberations. Therefore, your Committee agrees with the intent and purpose of House Bill No. 22-05 and recommends its passage in the form of House Draft 1.

D. Legislative History:

House Bill No. 22-05 was introduced by Representative Joseph Lee Pan T. Guerrero on February 19, 2021 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition.

A similar legislation, namely House Bill 21-106, was introduced on March 13, 2020 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition. In a session held on August 26, 2020, the House passed the proposed legislation in the form of House Bill 21-106, House Substitute 1. Upon passage, the proposed legislation was transmitted to the Senate and referred to the Senate Standing Committee on Judiciary, Government, Law & Federal Relations. In a session held on December 1, 2020, the Senate passed House Bill 21-106, HS1 without amendments. Soon after, the legislation was transmitted to the Governor and was vetoed on January 19, 2021. No further action was taken.

E. Cost Benefit:

The enactment of House Bill No. 22-05, HD1 will result in additional cost to the CNMI government due to the need for additional resources (staff, equipment, etc.) that are necessary to effectuate the provisions of this Act. However, the benefits of adding additional members to the Planning and Development Advisory Council heavily outweigh the costs.

III. CONCLUSION:

The Committee is in accord with the intent and purpose of H. B. No. 22-05, and recommends its passage in the form of House Draft 1.

Respectfully submitted,



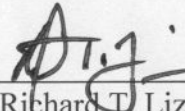
Rep. Celina R. Babauta, Chairperson



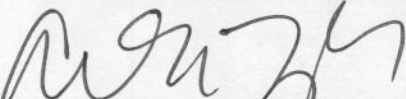
Rep. Blas Jonathan "BJ" T. Attao, Vice Chair



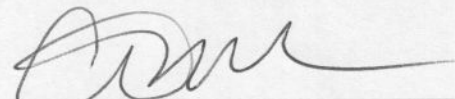
Rep. Vicente C. Camacho, Member



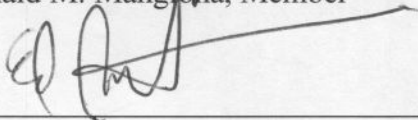
Rep. Richard T. Lizama, Member



Rep. Donald M. Mangiona, Member



Rep. Christina M.E. Sablan, Member



Rep. Edwin K. Propst, Member

Reviewed by:

Joseph S. Day
House Legal Counsel

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 2021

First Regular Session, 2021

H. B. 22-5, HD1

A BILL FOR AN ACT

To amend 1 CMC §20175 to include additional members to serve on the Planning and Development Advisory Council (PDAC); and for other purposes.

**BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that pursuant to
2 Public Law 20-20, the Office of Planning and Development (OPD) was established
3 to improve the planning process in the CNMI, to increase the effectiveness of
4 government and private actions, to improve coordination among different
5 agencies and levels of government, to provide for wise use of the CNMI's
6 resources, and to guide the future development of the CNMI. Public Law 20-20
7 also mandates that OPD create the CNMI Comprehensive Sustainable
8 Development Plan, which shall provide short and long-range guidance for
9 the economic, infrastructure, and physical development of the CNMI, and
10 which shall contain a statement of development objectives, standards, and
11 principles with respect to the most desirable use of land within the CNMI

1 for residential, recreational, agricultural, commercial, industrial, and other
2 uses completely serviced by an access and circulation network and
3 infrastructure consistent with proper protection to enhance the quality of
4 the environment and preserve the CNMI's natural beauty and historical
5 heritage; and that ensures that such new developments can be accommodated
6 by the current infrastructure of the islands and will not unduly burden such
7 infrastructure in the years come. Additionally, OPD is responsible for working with
8 identified planning partners to create a Comprehensive Sustainable Development
9 Plan and implementation procedures that ensure the protection of the scarce resources
10 including land, natural resources, and human resources.

11 Furthermore, the specified Public Law established the Commonwealth
12 Planning and Development Advisory Council (PDAC) within the Office of
13 Planning and Development (OPD) which consists of department secretaries, agency
14 directors, administrators, and representatives from various government agencies
15 and organizations to assist in the preparation of the Comprehensive Sustainable
16 Development Plan. The plans formulated by the Office of Planning and
17 Development are intended to help stimulate the CNMI's economy as well as ensure
18 effective and coordinated implementation of planning elements. Since OPD's
19 inception, and following numerous planning meetings with the PDAC and the
20 community, there was a recognition of the need to include additional stakeholders
21 to take part in the planning discussions necessary for the creation of the

1 Comprehensive Sustainable Development Plan to ensure the coordination and
2 efficacy objectives outlined in Public Law 20-20.

3 Therefore, the purpose of this Act is to amend 1 CMC §20175 to include
4 additional members to serve on the Advisory Council for Planning and
5 Development.

6 **Section 2. Amendment.** 1 CMC §20175 is hereby amended to read as
7 follows:

8 **“§ 20175. Advisory Council for Planning and Development.**

9 (a) In the Commonwealth Office of Planning and Development,
10 there shall be a Commonwealth Planning and Development Advisory
11 Council to be chaired by the Council member voted on by a majority vote
12 of the members of the Council and shall be comprised of the following
13 members, or their respective designee:

14 (1) Director of the Office of Planning and Development;

15 (2) Administrator of the ~~Office~~ Bureau of Environmental and
16 Coastal Quality;

17 (3) Secretary of the Department of Public Works;

18 (4) Secretary of the Department of Public Lands;

19 (5) Secretary of the Department of Lands and Natural Resources;

20 (6) Secretary of the Department of Commerce;

21 (7) Zoning Administrator;

- 1 (8) Executive Director of the Commonwealth Utilities Corporation;
- 2 (9) Managing Director of the Marianas Visitors Authority;
- 3 (10) A representative from the Office of the Mayor of Rota;
- 4 (11) A representative from the Office of the Mayor of Tinian and
- 5 Aguiguan;
- 6 (12) A representative from the Office of the Mayor of Saipan;
- 7 (13) A representative from the Office of the Mayor of the Northern
- 8 Islands;
- 9 (14) ~~Chairperson~~ President of the Saipan Chamber of Commerce;
- 10 and
- 11 (15) ~~Chairperson of the Governor's Strategic Economic~~
- 12 ~~Development Council.~~ Chairperson of the Governor's Council of Economic
- 13 Advisors;
- 14 (16) Chief Executive Officer of the Commonwealth Healthcare
- 15 Corporation;
- 16 (17) Secretary of the Department of Finance;
- 17 (18) Executive Director of the Commonwealth Ports Authority;
- 18 (19) Chairperson of the Marianas Alliance of Non-Governmental
- 19 Organizations;
- 20 (20) A representative of the Education System;

1 (21) Special Assistant of the Commonwealth Bureau of Military

2 Affairs;

3 (22) Secretary of the Department of Community and Cultural

4 Affairs; and

5 (23) Commissioner of the Department of Public Safety.

6 (b) The Commonwealth Planning and Development Advisory Board
7 consisting of ~~fifteen~~ twenty-three voting members shall have at least two
8 female members and two members who are of Carolinian descent.”

9 **Section 3. Severability.** If any provision of this Act or the application of
10 any such provision to any person or circumstance should be held invalid by a court
11 of competent jurisdiction, the remainder of this Act or the application of its
12 provisions to persons or circumstances other than those to which it is held invalid
13 shall not be affected thereby.

14 **Section 4. Savings Clause.** This Act and any repealer contained herein
15 shall not be construed as affecting any existing right acquired under contract or
16 acquired under statutes repealed or under any rule, regulation or order adopted
17 under the statutes. Repealers contained in this Act shall not affect any proceeding
18 instituted under or pursuant to prior law. The enactment of this Act shall not have
19 the effect of terminating, or in any way modifying, any liability civil or criminal,
20 which shall already be in existence at the date this Act becomes effective.

1 **Section 5. Effective Date.** This Act shall take effect upon its approval by
2 the Governor or upon its becoming law without such approval.

Prefiled: 1/26/2021

Date: 1/26/2021

Introduced by: /s/ Rep. Joseph Leepan T. Guerrero
/s/ Rep. Roy C.A. Ada
/s/ Rep. Blas Jonathan "BJ" T. Attao
/s/ Rep. Ivan A. Blanco
/s/ Rep. Joel C. Camacho
/s/ Rep. Angel A. Demapan
/s/ Rep. Joseph A. Flores
/s/ Rep. John Paul P. Sablan

Reviewed for Legal Sufficiency by:

/s/ Joseph L.G. Taijeron, Jr.
House Legal Counsel