



**The Senate**  
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. BOX 500129  
SAIPAN, MP 96950

STANDING COMMITTEE REPORT NO.22- 44

Date: July 28, 2021

RE: House Bill No. 22-28, HD1

Honorable Jude U. Hofschneider  
President of the Senate  
Twenty-Second Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. President:

Your Committee on Judiciary, Government, Law and Federal Relations, to which was referred House Bill No. 22-28 House Draft 1, entitled:

“To rename the structure for the Center for Living Independently in the CNMI to ‘The Lydia D. Igitol Center for Living Independently in the CNMI’; and for other purposes.”

begs leave to report as follows:

**I. RECOMMENDATION:**

After considerable discussion and deliberation, your Committee recommends passing House Bill No. 22-28, House Draft 1 in original form.

**II. ANALYSIS:**

A) Purpose:

The purpose of House Bill No. 22-28, HD1 is to rename the structure for the Center for Living Independently in the CNMI to the “The Lydia D. Igitol Center for Living Independently in the CNMI.”

B) Committee Findings:

Your Committee finds the Center for Living Independently is a federally funded agency that aims to ensure those with disabilities exercise their right to live independently and integrate themselves within the community. In 2001, the Center for Living Independently in the CNMI was originally established as a satellite office for the Hawaii Center for Living Independently. In 2005, the Center for Living Independently in the CNMI became an independent agency that continues to carry out its mission to protect the rights of individuals with disabilities.

Your Committee further finds that the late Ms. Lydia D. Igitol, the first Executive Director of the Center for Living Independently in the CNMI, assisted in the Center's establishment as a satellite office in 2001 as Satellite Office Director and continued her service as the Center's Executive Director from May 2005 until September 2017. In honor of the significant contributions and influence the late Ms. Igitol made during her years of public service, your Committee agrees with the intent and purpose of the proposed legislation to rename the structure for the Center for Living Independently in the CNMI to the "The Lydia D. Igitol Center for Living Independently in the CNMI." It is for this reason that your Committee strongly supports the provisions proposed in House Bill No. 22-28, House Draft 1 and recommends its passage in current form.

C) Legislative History:

House Bill No. 22-28, House Draft 1 was formally introduced by Representative Edmund S. Villagomez, Rep. Blas Jonathan "BJ" Attao, Rep. Vicente C. Camacho, Rep. Richard T. Lizama, and Rep. Denita Kaipat Yangetmai on March 4, 2021 and was passed in the House on May 28, 2021. House Bill No. 22-28, House Draft 1 was then subsequently referred to the Senate Standing Committee on Judiciary, Government, Law and Federal Relations for disposition on June 2, 2021.

D) Public Hearing and Comment:

No public hearing was scheduled for House Bill No. 22-28, House Draft 1; however, a Committee Meeting, which is open to the public, was held on July 28, 2021 to deliberate on the provisions stated in the proposed legislation. The meeting notices and agenda were officially posted on various legislative forums and social media to invite members of the general public to provide comments as indicated under *Item IV. Public Comments* of the agenda. However, no public comment was received by your Committee.

Your Committee requested for comments with a deadline to respond by June 23, 2021. To date, status of comments received from the foregoing government agencies are as follows:

1. Mayor of Rota; *Received June 18, 2021*
2. Office of the Attorney General; *Received July 12, 2021*

E) Estimated Fiscal Cost:

The enactment of House Bill No. 22-28, House Draft 1 may result in additional costs to the CNMI government for purposes of renaming the structure for the Center for Living Independently in the CNMI to “The Lydia D. Igitol Center for Living Independently in the CNMI”. However, the significant impact the late Lydia D. Igitol had on those who benefited from this Center outweighs any potential costs.

F) Summary of Committee Amendments:

None.

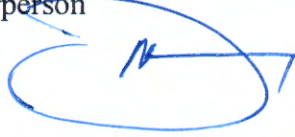
**III. CONCLUSION:**

Your Committee agrees to the proposed amendments and the intent of House Bill No. 22-28, House Draft 1 and recommends its passage in original form.

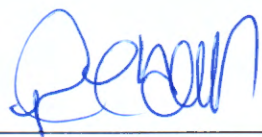
Respectfully submitted,



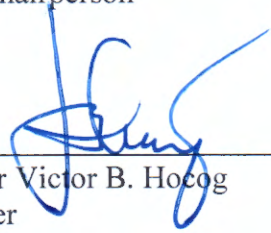
Senator Karl R. King-Nabors  
Chairperson



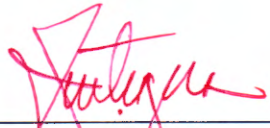
Senator Francisco Q. Cruz  
Member



Senator Vinnie F. Sablan  
Vice Chairperson

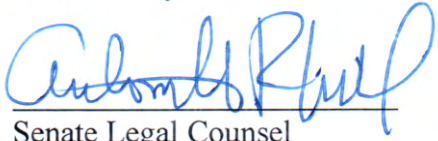


Senator Victor B. Hocog  
Member



Senator Justo S. Quitugua  
Member

Reviewed by:

  
Senate Legal Counsel

*Attachment(s):*

- *2 Written Comments:*
  1. Mayor of Rota; *Received June 18, 2021*
  2. Office of the Attorney General; *Received July 12, 2021*

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH**

**LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

**MARCH 16, 2021**

**First Regular Session, 2021**

**H. B. 22-28, HD1**

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**A BILL FOR AN ACT**

To rename the structure for the Center for Living Independently in the CNMI to “The Lydia D. Igitol Center for Living Independently in the CNMI”; and for other purposes.

**BE IT ENACTED BY THE 22<sup>ND</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** The Legislature finds that the  
2 Commonwealth is enriched by the noble and selfless efforts of exceptional  
3 individuals who devote their time in the fields of education and advocacy support.  
4 The Center for Living Independently in the CNMI, whose mission is to ensure the  
5 rights of people with disabilities to live independently and fully integrate within the  
6 community, or outside of an institutional setting, has been the main ambition of  
7 Mrs. Lydia D. Igitol.

8           Her commitment and desire to assist people with disabilities to live  
9 independently have impacted the lives of so many people in our Commonwealth.  
10 Furthermore, Mrs. Lydia D. Igitol held many roles prior to dedicating her life work  
11 to the Center for Living Independently in the CNMI. A graduate of the University  
12 of Guam in Public Administration with an emphasis in Accounting, Mrs. Lydia D.

1 Igitol distinguished herself in public education in the CNMI by dedicating 25 years  
2 of selfless service to the CNMI Public School System (PSS) from which she retired  
3 in December of 1988. After her retirement, Mrs. Lydia D. Igitol applied for the  
4 Hawaii Centers for Independent Living, a non-profit organization that sought to  
5 branch out their services and sparked a new interest that would hold near and dear  
6 to her heart.

7         The Legislature further finds that Mrs. Lydia D. Igitol was then hired as a  
8 Satellite Office Director under the Hawaii Centers for Independent Living, a  
9 position she held from June 2001-April 2005. Her dedication and passion to help  
10 people with disabilities and spread the Independent Living philosophy which  
11 included community outreach ultimately led to the fruitful opening of what is now  
12 the Center for Living Independently in the CNMI.

13         The Center for Living Independently in the CNMI has helped and assisted  
14 countless people with disabilities including students in the Northern Mariana  
15 Islands, through Mrs. Lydia D. Igitol's advocacy. Her legacy of bringing much  
16 needed Independent Living skills and services for people with disabilities in the  
17 Northern Mariana Islands has left a profound impact in the Commonwealth.  
18 Therefore, it is suitable to rename the structure for the Center for Living

1 Independently in the CNMI to “The Lydia D. Igitol Center for Living  
2 Independently in the CNMI”.

3           **Section 2. Enactment.** Subject to codification by the Commonwealth Law  
4 Revision Commission the following provision is hereby enacted:

5                   **“§ 101. Lydia D. Igitol Center for Living Independently in the**  
6           **CNMI.**

7                   The structure for the Center for Living Independently in the CNMI  
8           is hereby renamed “The Lydia D. Igitol Center for Living Independently in  
9           the CNMI”.”

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

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

HOUSE BILL 22-28, HD1

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

Prefiled: 3/4/2021

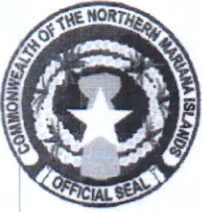
Date: 3/4/2021

Introduced by: /s/ Rep. Edmund S. Villagomez  
/s/ Rep. Blas Jonathan "BJ" T. Attao  
/s/ Rep. Vicente C. Camacho  
/s/ Rep. Richard T. Lizama  
/s/ Rep. Denita Kaipat Yangetmai

Reviewed for Legal Sufficiency by:

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





COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE MAYOR**

**THE HONORABLE EFRAIM M. ATALIG**

Mayor of the Municipality of Rota

Mailing Address: Post Office Box 537 Rota, MP 96951

Phone: 670.532.9451/9452 \* Fax No.: 670.532.9454 \* Email: mayorefraimatalig@gmail.com



June 18, 2021

Senator Karl R. King – Nabors  
Chairman - Judiciary, Government, Law and Federal Relations  
22<sup>nd</sup> Northern Marianas Commonwealth Legislatures  
Capitol Hill, Saipan MP 96950



Dear Mr. Chairman:

I am happy to submit comments on the following bills:

**Reference: S.B No. 22-29, HD1**

I support the passage of the above-referenced bill. However, the introduction of this bill is brought about by the corona virus pandemic, as mentioned in Section 1 under Findings and Purpose. According to the experts on infectious diseases and history has shown that pandemics have lifespan of a few years. It seems that by implication the bill is expected to include a sunset provision, namely, that upon declaration that the pandemic has disappeared, this public law would also be ineffectual. With that being set, I suggest that a sunset provision be included. Lastly, I am aware that many, if not all, government agencies, boards and commissions are already utilizing electronic means to conduct official meetings through their rules and regulations. However, agency action can have more legal teeth through a public law.

**Reference: H.B No. 22-2**

Adding new subsections to 7CMC Sections 2515 would place more deterrence to child sexual abuse specifically the new additions would allow civil claims to be filed at any time after the crime was committed, as the perpetrator would face double jeopardy to wit: civil and criminal. Notwithstanding the constitutional provision on double jeopardy, courts in other jurisdictions have interpreted the constitutionality of the need to authorize the filings of civil claims. Cases on double jeopardy deal with trials when a defendant in a murder case found not guilty on first degree, the prosecution is not authorized to file the same case charging the defendant with second degree murder (Price v. State of Georgia). Clearly, the criminal/civil argument does not apply here. Therefore, the double jeopardy doctrine does not apply in this bill.

**Reference: H.B. No. 22-5, HD1**

The above-referenced bill, which proposes to include additional members on the Planning and Development Advisory Council, is more inclusive in addressing the many aspects of development in the CNMI and therefore any plans that the council comes up with would be

more realistic, Mr. Chairman, I would like to point out that the addition of an education representative, as shown on Section 2.(a)(c) seems to suggest that education is not important sector in the CNMI. If history is any indication, an agency or agencies that are provided with this membership status, such agency would only designate a lower level employee to represent them. As we all know, PSS by constitutional amendment has been earmarked 25% of the CNMI budget, not to mention that NMC and NMTI are part of the educational system. Furthermore, other members included in the bill are more specific as to who they represent. For Example, representatives from the Mayors would know and therefore would speak on behalf of a Mayor that appoints him or her. With respect to the education, the representative from education would not be as versed with the issues of NMC or NMTI if the representative is from PSS. With the above being said, I recommend that each specific educational institution would be represented by their own representative.

**Reference: H.B. 22-26**

Professionals in the medical professions are extremely occupied with the myriad of responsibilities that they are required to perform, especially those who actually deal with patients directly. The latter needs to be fully focused on treating patients as they deal with human lives. Policy makers and administrators need to minimize in requiring such individuals to be part of administrative functions if they don't feel that being part of administration would not jeopardize their main mission, of treating people then we would welcome their involvement. I, therefore, support that this bill would be enacted because medical professionals are not to be barred with mundane matters. For this reason, I feel that medical professionals that want to be involved in administrative matters then we should not put a time limit on their membership on the healthcare professional licensing board.

**Reference: H.B. 22-28**

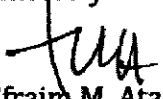
I fully support this bill as I know Mrs. Lydia D. Igitol's selfless service to our people especially those with disabilities. A native of Guam, Mrs. Igitol chose to be part of the CNMI community and this fact further behooves me to support this legislation because people who show their love for a particular community are, without a doubt, sincere in their motives.

**Reference: H.B No. 22-57 HD1**

The Corona virus pandemic has created a massive economic chaos globally and the CNMI is no exception, especially small businesses. According to economist, small businesses are the economic, engine of our society. Thus, policy makers would do well for our community to incentivize small businesses to continue functioning through the establishment of a tax credit program.

Mr. Chairman, thank you for requesting for my comments on the above bill and I hope my comments would assist the committee in its deliberations.

Sincerely

  
Efraim M. Atalig



# Commonwealth of the Northern Mariana Islands Office of the Attorney General

2<sup>nd</sup> Floor Hon. Juan A. Sablan Memorial Bldg.  
Caller Box 10007, Capitol Hill  
Saipan, MP 96950

EDWARD MANIBUSAN  
Attorney General

LILLIAN A. TENORIO  
Deputy Attorney General

VIA EMAIL: [sen.kking.nabors@gmail.com](mailto:sen.kking.nabors@gmail.com)



July 12, 2021

OAGSEN: 2021-069  
LSR No. 21-228

Hon. Karl King-Nabors  
Chairman, Committee on Judiciary, Government,  
Law and Federal Relations  
The Senate  
22<sup>nd</sup> Northern Marianas Commonwealth Legislature  
Saipan, MP 96950

**Re: SB 22-29, HD1; HB 22-2; HB 22-5, HD1; HB 22-26, HD1; HB 22-28, HD1; and  
HB 22-57, HD1**

Dear Chairman King-Nabors:

Thank you for the opportunity to comment on the following:

- SB 22-29, HD1 (authorize participation in board meetings via electronic means)
- HB 22-2 (to authorize civil claims for child sexual abuse without time limitation)
- HB 22-5, HD1 (add new members to the Planning and Development Authority)
- HB 22-26, HD1 (remove term limits for Health Care Professions Licensing Board)
- HB 22-28, HD1 (rename the Center for Living Independently) and
- HB 22-57, HD1 (Tax Credit for hiring U.S. citizens or residents of the CNMI)

Based on our review of the proposed legislation we offer the following comments:

### SB 22-29, HD1

The bill would permit members of boards and commissions adopt regulations governing participation in meetings through electronic means. The remote participation would be available only when a member is in the Commonwealth but unable to attend a meeting in person at the meeting places. Presenting no constitutional

**Civil Division**  
Telephone: (670) 237-7500  
Facsimile: (670) 664-2349

**Criminal Division**  
Telephone: (670) 237-7600  
Facsimile: (670) 234-7016

**Attorney General's Investigation Division**  
Telephone: (670) 237-7627  
Facsimile: (670) 234-7016

**Victim Witness Advocacy Unit**  
Telephone: (670) 237-7602  
Facsimile: (670) 664-2349

issue, the bill is especially timely as interisland travel has been disrupted in the past year by the global coronavirus pandemic.

**HB 22-2**

The bill follows a legislative trend in several states to reform both criminal and civil statutes to provide child sexual abuse victims increased access to the justice system. Victims of child sex crimes often need many years to overcome the pain of their abuse and time to obtain the courage needed to speak out about abuse that they have suffered. The bill could give the victims the time by extending the statute of limitation. I would also recommend, consistent with the bill's intent to have retroactive effect, to delete Section 4 (the Savings Clause).

**HB 22-5, HD1**

No constitutional issue is presented by the proposed addition of new members to the Planning and Development Advisory Council and increase of the council's total membership from 15 to 23.

**HB 22-26, HD1**

The bill purports to remove the term limits placed on the Health Care Professions Licensing Board which is presently restricted to two four-year terms (total of eight years). The bill would not place any term limits which is purely a policy matter.

**HB 22-28, HD1**

In honor of the late Lydia D. Igitol, the Center for Living Independently would be renamed the "Lydia D. Igitol Center for Living Independently" if the bill is enacted into law. The bill does not implicate any legal issue.

**HB 22-57, HD1**

Unlike the other legislation, this bill presents a serious question that may likely impact the Commonwealth's eligibility to receive funding under the States and Local Fiscal Recovery Funds under the American Rescue Plan Act (ARPA). The Secretary of Finance has announced the Commonwealth share of such funds totaling around \$400 million.

As a condition for receiving such funds, the Commonwealth (as with the states and other territories) is prohibited from using ARPA funds directly or indirectly to "offset a reduction in the next tax revenue of [the

Commonwealth] resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, *a credit*, or otherwise)[.]” (emphasis added). With the Commonwealth government’s budget heavily dependent on ARPA funds for the next two fiscal years, the proposed tax credit may likely be viewed as a classic violation of ARPA.

Please do not hesitate to contact me if you have any questions.

Sincerely,



EDWARD MANIBUSAN  
Attorney General

cc: All Members, The Senate