



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

STANDING COMMITTEE REPORT NO. 22-62
Date: January 24, 2022
RE: House Bill No. 22-26, 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. 22-26 House Draft 1, entitled:

“To amend 3 CMC §2204(e) to remove the limitation of terms for members to serve on the Health Care Professions Licensing Board; and for other purposes.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion and deliberation, your Committee recommends the passage of the proposed legislation in its original form as House Bill No. 22-26, House Draft 1.

II. ANALYSIS:

A) Purpose:

The purpose of House Bill No. 22-26, House Draft 1 is to amend 3 CMC §2204(e) to remove the limitation of terms for members to serve on the Health Care Professions Licensing Board.

B) Committee Findings:

Your Committee finds that in 2007 the Health Care Professions Licensing Act of 2007, as codified under 3 CMC § 2201 *et seq.*, was enacted to repeal and re-enact the Medical Care Practice Act of 1982 with the intent of streamlining the continued medical protection of the health, safety, and welfare of the people of the Commonwealth. It is the objective of the Health Care Professions Licensing Board (HCPLB) to promote efficient medical standards in regulating all healthcare professions, with the exception of nursing.

Your Committee further finds that pursuant to 3 CMC §2204(e), a member serving on the HCPLB is limited to two consecutive four-year terms. This restriction has proven to be problematic considering the composition of the health care professions that make up the board and the limited pool of qualified medical professionals within the CNMI to carry out the mission of the HCPLB. Under the current statute, when a member completes their second term on the Board, that member is not eligible to be reappointed for a third term and a vacancy occurs, which must be filled by a new health care professional. Such practice would impede further progress with the HCPLB as they await a new appointee who would require some time to learn and adjust, as opposed to the reappointment of a current member with the desire and commitment to continue serving on the HCPLB.

Your Committee met on January 24, 2022 to formally discuss the proposed legislation and review the comments submitted to the Committee for consideration. Your Committee agrees that the current statutory provisions are time sensitive and costly and should be amended accordingly. However, there was a slight concern raised concerning new or returning medical professionals residing in the CNMI, of whom are deemed eligible to serve on the Board, whether or not an opportunity would be afforded to them with the amended provisions. Through the deliberations, it was clarified that the amended provision is simply lifting the term limitation to allow for members to be reconsidered for reappointment to a third or subsequent 4-year term upon the expiration of their second term. By enacting the proposed legislation, the statutory provision does not allude that a sitting member will remain on the Board indefinitely. All members of the HCPLB would have to undergo the appointment process of being reappointed by the Governor with the advice and consent of the Senate upon the expiration of each 4-year term, pursuant to 3 CMC § 2201(b). Furthermore, 3 CMC § 2204(i) further provides the Governor with the authority to remove a sitting member of the Board for reasons of “gross neglect or dereliction of duty, violation of the conflicts prohibitions of this section, breach of fiduciary duty, misfeasance, malfeasance or nonfeasance in office, conviction of a felony, mental or physical incapacity, or failure to attend at least 50% of all duly convened regular meetings of the Board in a calendar year”.

Additionally, written comments provided by the Office of the Attorney General and the Mayor of Rota did not raise any contentions warranting further review of the proposed legislation by your Committee. It is for these reasons that your Committee supports the provisions of the proposed legislation and recommends its passage in its original form as House Bill No. 22-26, House Draft 1.

C) Legislative History:

House Bill No. 22-26 was formally introduced by Representative Blas Jonathan “BJ” T. Attao on March 16, 2021 and was subsequently referred to the House Standing Committee on Health and Welfare for disposition. The House Standing Committee on Health and Welfare filed House Standing Committee Report No. 22-9 recommending the passage of the proposed legislation in the form of House Bill No. 22-26, House Draft 1. On May 28, 2021, House Bill No. 22-26, House Draft 1 was passed by the House of Representatives during its First Day, Second Special Session.

House Bill No. 22-26, House Draft 1 was transmitted to the Senate on June 1, 2021, filed as House Communication No. 22-25 and was subsequently referred to the Senate Standing Committee on Judiciary, Government, Law and Federal Relations for disposition.

D) Public Hearing and Comment:

Although a public hearing was not scheduled for House Bill No. 22-26, House Draft 1, Committee Meetings, which are open to the public, were held to receive oral or written testimonies on any proposed legislation appearing on the agenda.

On July 28, 2021, House Bill No. 22-26, House Draft 1 made its first appearance on the agenda of the scheduled Committee Meeting. Discussion was on hold pending the submission of solicited comments. On January 24, 2022 your Committee deliberated on the provisions stated in the proposed legislation and the comments provided to the Committee for review.

The meeting notices and agendas were officially posted on various legislative forums and social media sites to invite members of the general public to provide comments as indicated under item *IV. Public Comments* of the agenda. On January 24, 2022, your Committee received one public comment in support of the proposed legislation by the following:

1. Esther S. Fleming, Executive Director, Health Care Professions Licensing Board/Board of Professional Licensing

Your Committee requested for comments with a deadline to respond by June 23, 2021 and June 25, 2021. To date, status of comments received from the foregoing government agencies are as follows:

1. Office of the Attorney General, *Received July 12, 2021*
2. Mayor of the Municipality of Rota, *Received June 23, 2021*
3. Mayor of the Municipality of Tinian and Aguiguan, *Not Received*
4. Mayor of the Municipality of Saipan, *Not Received*
5. Mayor of the Northern Islands, *Not Received*
6. Rota Municipal Council, *Not Received*
7. Tinian Municipal Council, *Not Received*

8. Saipan and Northern Islands Municipal Council, *Not Received*
9. Board of Professional Licensing, *Not Received*
10. Commonwealth Healthcare Corporation, CEO, *Not Received*

E) Estimated Fiscal Cost:


The enactment of House Bill No. 22-26, House Draft 1 may not result in any additional costs to the CNMI government. Through the enactment of the proposed legislation, potential savings from associated costs reserved for recruiting and training new board members may be available for other operational expenses of the Health Care Professions Licensing Board.

F) Summary of Committee Amendments:

Your Committee agreed that no further amendments were necessary upon review of the proposed legislation.

III. CONCLUSION:

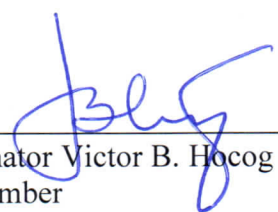
Your Committee agrees with the intent and purpose of the proposed legislation and recommends its passage in the form of House Bill No. 22-26, House Draft 1.
Respectfully submitted,



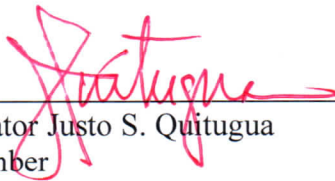
Senator Karl R. King-Nabors
Chairperson

Senator Vinnie F. Sablan
Vice Chairperson

Senator Francisco Q. Cruz
Member

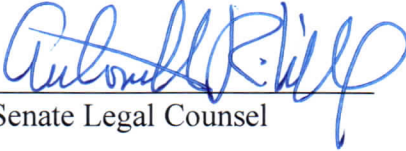


Senator Victor B. Hocog
Member



Senator Justo S. Quitugua
Member

Reviewed by:


Senate Legal Counsel

Attachment(s):

- *3 Written Comments:*
 1. *Office of the Attorney General, Received July 12, 2021*
 2. *Mayor of the Municipality of Rota, Received June 23, 2021*
 3. *Esther S. Fleming, Executive Director, Health Care Professions Licensing Board, written testimony stated and received on January 24, 2022*



Hse. Comm. No. 22-25
House of Representatives

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500586
SAIPAN, MP 96950


June 1, 2021

The Honorable Jude U. Hofschneider
President
The Senate
Twenty-Second Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Senate President Hofschneider:

I have the honor of transmitting herewith for Senate action **H. B. No. 22-26, HD1**, entitled: **"To amend 3 CMC §2204(e) to remove the limitation of terms for members to serve on the Health Care Professions Licensing Board; and for other purposes."**, which was passed by the House of Representatives on First and Final Reading, by the unanimous vote of the members present, a quorum being present, during its First Day, Second Special Session on May 28, 2021.

Sincerely yours,


Linda B. Muña
House Clerk

Attachment

Transmittal to the SENATE

Received by: 

Date: 6/1/21

Time: 2:13 PM

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2021

First Regular Session, 2021

H. B. 22-26, HD1

A BILL FOR AN ACT

To amend 3 CMC §2204(e) to remove the limitation of terms for members to serve on the Health Care Professions Licensing Board; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that Public Law
2 15-105, entitled as the “Health Care Professions Licensing Act of 2007”, was
3 enacted to repeal and re-enact Public Law 3-30, as amended, also known as the
4 “Medical Practice Act of 1982”. Despite the changes in statutory language, it has
5 always been the intent of Public Law 15-105 to continue protecting the health,
6 safety, and welfare of the people of the Commonwealth. As a highly integral
7 independent regulatory agency established by Public Law 15-105, the Health Care
8 Professions Licensing Board (HCPLB) remains committed in carrying out such
9 mission by regulating all health care professions, with the exception of nursing. In
10 doing so, it is the obligation of the (HCPLB) to ensure that the quality of life and

1 health within our Commonwealth remains as the paramount objective for all who
2 call our islands home.

3 The Legislature also finds that pursuant to 3 CMC §2204(e), no member
4 within the HCPLB shall serve more than two consecutive four-year terms. This
5 limitation has proven to be problematic considering the composition of health care
6 professions that make up the Board. Such professions include a dentist, physician,
7 other health care professions (excluding dentists and physicians), and so forth. In
8 the event that a member fulfills his/her second term as a board member, such
9 vacancy must be filled by a new health care professional. This requirement hinders
10 the progress of the HCPLB because of the relatively small pool of healthcare
11 professionals available and willing to serve and the time it takes to identify, appoint,
12 confirm, and train new appointees. In removing the term limitation, board members
13 who are willing to serve can be allowed to continue their work, and the HCPLB can
14 save valuable resources that would otherwise be spent on recruiting and train new
15 appointees.

16 Therefore, the purpose of this Act is to amend 3 CMC §2204(e) to remove
17 the limitation of terms for members to serve on the Health Care Professions
18 Licensing Board and for other purposes.

1 **Section 2. Amendment.** 3 CMC §2204(e) is hereby amended to read as
2 follows:

3 “(e) Terms.

4 (1) The term of office for members of the Board shall be four years,
5 and members shall serve staggered terms to ensure continuity.

6 (2) ~~No member may serve more than two consecutive four-year~~
7 ~~terms.~~ Upon the expiration of said terms successors shall be appointed with
8 like qualifications and in like manner for terms of four years each, and until
9 their successors are appointed and qualified.

10 (3) Vacancies shall be filled in the same manner as is provided for
11 appointment in the first instance. Any person selected to fill a vacancy shall
12 be appointed only for the remainder of the unexpired term.

13 (4) Notwithstanding any other provision of this section, any member
14 whose term has expired may serve without further confirmation until such
15 member’s successor has taken office.”

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

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

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

Prefiled: 3/2/2021

Date: 3/2/2021

Introduced by: /s/ Rep. Blas Jonathan "BJ" T. Attao
/s/ Rep. Celina R. Babauta
/s/ Rep. Sheila J. Babauta
/s/ Rep. Joel C. Camacho
/s/ Rep. Angel A. Demapan
/s/ Rep. Joseph A. Flores
/s/ Rep. Richard T. Lizama
/s/ Rep. Donald M. Manglona
/s/ Rep. Edwin K. Propst
/s/ Rep. Christina M.E. Sablan
/s/ Rep. John Paul P. Sablan
/s/ Rep. Ralph N. Yumul

Reviewed for Legal Sufficiency by:

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



HOUSE OF REPRESENTATIVES

TWENTY-SECOND LEGISLATURE
COMMONWEALTH OF THE NORTHERN MARIANAS
LEGISLATURE
P.O. BOX 500586 SAIPAN, MP 96950

Adopted - 5/28/2021

STANDING COMMITTEE REPORT NO. 22-9

DATE: APRIL 30, 2021

RE: HOUSE BILL NO. 22-26

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 Health and Welfare to which House Bill No. 22-26 was referred, entitled:

"To amend 3 CMC §2204(e) to remove the limitation of terms for members to serve on the Health Care Professions Licensing Board; and for other purposes."

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. NO. 22-26 be passed by the House in the form of House Draft 1.

HOUSE CLERK'S OFFICE
RECEIVED BY *[Signature]*
DATE 05/21/21 TIME 3:47 PM

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 22-26 is to amend 3 CMC §2204(e) to remove the limitation of terms for members to serve on the Health Care Professions Licensing .

B. Amendment:

The Committee made the following amendments to strengthen the intent of this Act.

1) Page 2. Lines 9 to 16, of the "Findings and Purpose" is amended to read as follows :

~~"This occurrence requirement hinders the progress of the HCPLB because of the relatively small pool of healthcare professionals available and willing to serve and the time it takes to identify, appoint, confirm, and train new appointees, due to the fact that they will have to wait for a new appointee and allow for such person to adjust accordingly. The legislature finds that this circumstance is exuberatingly time consuming and must be rectified. In removing the term limitation, board members who are willing to serve can be will be allowed to continue their work, and until he/she is no longer fit or willing to serve. If the HCPLB can save valuable resources that would otherwise be spent on recruiting and train will not have to spend any resources in re-training any new appointees, unless a board member rejects his/her re-nomination."~~

C. Committee Findings:

Your Committee finds that Public Law 15-105 amended the Medical Practice Act of 1982 by repealing and reenacting sections of Chapter 12 of Division 2 of Title 1 and Chapter 2 of Division 2 of Title 3 of the Commonwealth Code. This Act was cited as the "Health Care Professions Licensing Act of 2007". Recognizing that the health care environment had significantly changed over the 20 plus years since the enactment of the Medical Practice Act of 1982, the Health Care Professions Licensing Act of 2007 updated the traditional health care model that will continue to evolve. The Act stated that the primary responsibility and obligation of the Health Care Professions Licensing Board (HCPLB) is to protect the people of the Commonwealth and in the interest of public health, safety and welfare, and to protect the public from unprofessional, improper, incompetent, unlawful, fraudulent and/or deceptive practice of the health care professions. it is necessary to provide statutes and regulations to govern the granting and subsequent use of the privilege to practice the health care professions.

Your Committee further finds that pursuant to 3 CMC §2204(e)(2), "No member may serve more than two consecutive four-year terms". The Board is and shall be composed of five members appointed by the Governor: One member shall be a dentist, two members shall be physicians, and two members shall be health care professionals other than a physician or dentist. Each member shall be practicing in the Commonwealth. This requirement hinders the progress of the HCPLB because of the relatively small pool of healthcare professionals available and willing to serve and the time it takes to identify, appoint, confirm, and train new appointees. In removing the term limitation, board members who are willing to serve can be allowed to continue their work, and the HCPLB can save valuable resources that would otherwise be spent on recruiting and training new appointees.

Your Committee agrees with the intent of this Act, therefore, recommends that the House pass House Bill No. 22-26 in the form of House Draft 1.

D. Public Comments:

Comments were received from the following:

- 1) Mrs. Esther S. Fleming, Executive Director, HCPLB/BPL

Executive Director Fleming stated on her April 29, 2021 comments that "By removing the term limitations for Board members to serve on the HCPLB, this alleviates Board members with institutional knowledge to continue to serve on the Board to protect the health, safety and welfare of the Commonwealth people which is of paramount importance. Secondly, the rationale for this is to maintain consistency of the Board while promulgating new regulations and application processes without having key individual members leave during the proceeding because their terms are up. These only prolongs an already tedious process and reduces the effectiveness of the entire Board to carry out its duties and responsibilities." The Health Care Professions Licensing Board is in full support of House Bill 22-26.

Comments received have been attached as part of this committee report.

E. Legislative History:

House Bill No. 22-26 was introduced by Representative Blas Jonathan T. Attao on March 16, 2021 and was subsequently referred to the House Standing Committee on Health and Welfare for disposition.

F. Cost Benefit:

The enactment of House Bill No. 22-26, HD1 will not result in additional cost to the CNMI Government thereby the HCPLB can save valuable resources that would otherwise be spent on recruiting and training new appointees.

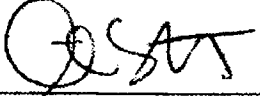
III. CONCLUSION:

The Committee is in accord with the purpose of House BILL NO. 22-26 and recommends its passage in the form of House Draft 1.


Respectfully submitted,



Rep. Christina M.E. Sablan
Chairwoman



Rep. Leila C. Staffler
Vice Chairman




Rep. Blas Jonathan "BJ" T. Attao
Member



Rep. Sheila J. Babauta
Member

Rep. Donald M. Manglona
Member

Reviewed by:



House Legal Counsel

Attachment: Comments dated April 29, 2021: Esther S. Fleming, Executive Director, HCPLB/BPL

**HOUSE STANDING COMMITTEE ON HEALTH AND WELFARE
HOUSE OF REPRESENTATIVES
TWENTY-SECOND CNMI LEGISLATURE**

VOICE/ROLL CALL VOTE

DATE: April 30, 2021

MOTION: To amend HB 22-26, Findings and Purpose. Page 2, Line 9 to 16 to read as follows:

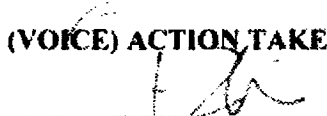
~~“This occurrence requirement hinders the progress of the HCPLB because of the relatively small pool of healthcare professionals available and willing to serve and the time it takes to identify, appoint, confirm, and train new appointees. due to the fact that they will have to wait for a new appointee and allow for such person to adjust accordingly. The legislature finds that this circumstance is exerceiatingly time consuming and must be rectified. In removing the term limitation, board members who are willing to serve can be will be allowed to continue their work, and until he/she is no longer fit or willing to serve. F the HCPLB can save valuable resources that would otherwise be spent on recruiting and train will not have to spend any resourees in re-training any new appointees, unless a board member rejects his/her re-nomination.”~~

MOTION OFFERED BY: Chair Christina Sablan

MOTION SECONDED BY: Rep. Sheila Babauta/Rep. Blas Jonathan Attao

	NAME	Present
1	Chair Christina Marie Elise Sablan	X
2	Vice Chair Leila Haveia Fleming Clark Staffler	Excused
3	Representative Blas Jonathan “BJ” T. Attao	X
4	Representative Sheila Therese Jack Babauta	X
5	Representative Donald Manalang Manglona	X

(VOICE) ACTION TAKEN: Chair declares that the “ayes” have it and the motion is carried.


Clarissa Sablan, House Legislative Assistant

Date: April 30, 21

Concurred by:


Rep. Christina E. Sablan, Chair

Date: 5/20/2021

**HOUSE STANDING COMMITTEE ON HEALTH AND WELFARE
HOUSE OF REPRESENTATIVES
TWENTY-SECOND CNMI LEGISLATURE**

VOICE/ROLL CALL VOTE

DATE: April 30, 2021


MOTION: To approve the adoption of HB 22-26, " To amend 3 CMC §2204(e) to remove the limitation of terms for members to serve on the Health Care Professions Licensing Board; and for other purposes." in the form of House Draft 1 and to draft a Standing Committee Report for its passage.

MOTION OFFERED BY: Rep. Blas Jonathan Attao

MOTION SECONDED BY: Rep. Sheila Babauta

NAME			Present
1	Chair	Christina Marie Elise Sablan	X
2	Vice Chair	Leila Haveia Fleming Clark Staffler	Excused
3	Representative	Blas Jonathan "BJ" T. Attao	X
4	Representative	Sheila Therese Jack Babauta	X
5	Representative	Donald Manalang Manglona	X

(VOICE) ACTION TAKEN: Chair declares that the "aves" have it and the motion is carried.




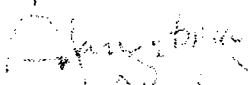
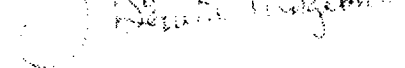
Clarissa Sablan, House Legislative Assistant

Date: April 30, 21

Concurred by 

Rep. Christina E. Sablan, Chair

Date: 5/20/2021



Commonwealth of the Northern Mariana Islands
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: cnmi@cnmihpl-hcplb.net
Website: cnmihpl-hcplb.net



April 29, 2021

Tina Sablan
Chair, Health and Welfare Committee
House of Representatives
22nd Northern Marianas Commonwealth Legislature
Saipan, MP 96950

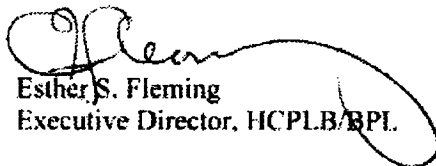
Dear Chairperson Sablan:

Thank you for allowing us to comment on House Bill 22-26. The bill proposes to remove the term limitation for Member Boards to serve on the Health Care Professions Licensing Board.

Currently, P.L. 15-105, can only serve two consecutive four-year terms. By removing the term limitations for Board members to serve on the HCPLB, this alleviates Board members with institutional knowledge to continue to serve on the Board to protect the health, safety and welfare of the Commonwealth people which is of paramount importance. Secondly, the rationale for this is to maintain consistency of the Board while promulgating new regulations and application processes without having key individual members leave during the proceeding because their terms are up. These only prolongs an already tedious process and reduces the effectiveness of the entire Board to carry out its duties and responsibilities. This also hinders the progress of the HCPLB and certainly time consuming.

On behalf of the HCPLB Board, we seek for your full support on HB 22-26 and we standby should there be any questions from the Committee members.

Thank you again.


Esther S. Fleming
Executive Director, HCPLB/BPL

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 of the Northern Mariana Islands
Office of the Attorney General

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

EDWARD MANIBUSAN
Attorney General

VIA EMAIL: sen.kking.nabors@gmail.com

July 12, 2021



LILLIAN A. TENORIO
Deputy Attorney General

OAGSEN: 2021-069
LSR No. 21-228

Hon. Karl King-Nabors
Chairman, Committee on Judiciary, Government,
Law and Federal Relations
The Senate
22nd 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

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



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
22nd 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

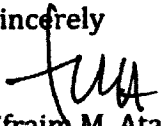
I fully support this bill as I know Mrs. Lydia D. Igitol's selfless service to our people especially those with disabilities. A native of Guam, Mrs. Igitol chose to be part of the CNMI community and this fact further behooves me to support this legislation because people who show their love for a particular 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
HEALTH CARE PROFESSIONS LICENSING BOARD

P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: cnmi@cnmibpl-hcplb.net
Website: cnmibpl-hcplb.net



January 24, 2022

Senate JGLFR Committee **RECEIVED**
Date: 01/24/22 Time: am By: PR

Karl King-Nabors
Chair, Judiciary, Government, Law and Federal
Relations Committee (JGLFR)
Senate
22nd Northern Marianas Commonwealth Legislature
Saipan, MP 96950

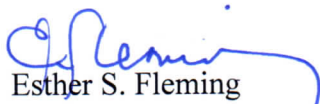
Dear Chairman Karl King-Nabors:

Thank you for allowing us to appear before your committee to testify in support of House Bill No. 22-26, HD1. The bill proposes to remove the term limitation for Member Boards to serve on the Health Care Professions Licensing Board.

Currently, Public Law 15-105, only allows for Board members to serve two consecutive four-year terms. HCPLB are in full support in removing the term limitations for Board members to serve on the Board, as this alleviates Board members with institutional knowledge to be able to continue to serve on the Board to protect the health, safety, and welfare of the Commonwealth people. Secondly, this is to maintain consistency of the Board while promulgating new regulations and application processes without having key individual members leave during the proceeding because their terms are up. These only prolongs an already tedious process and reduces the effectiveness of the entire Board to carry out its duties and responsibilities. This also hinders the progress of the HCPLB and certainly time consuming.

On behalf of the HCPLB Board, we seek for your full support on House Bill No. 22-26, HD1 and we standby should there be any questions from the Committee members.

Thank you again.


Esther S. Fleming
Executive Director, HCPLB/BPL

NOTES:

Vacancy: 1 physician and 1 pharmacy (end of Jan)