



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

Adopted - 2/22/2022
STANDING COMMITTEE REPORT NO. **22-34**
DATE: FEBRUARY 01, 2022
RE: H.B. 22-66

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. 22-66:

“To amend 1 CMC §2901 to require newly appointed persons to undergo certification training in regards to the Open Government Act (OGA); and for other purposes.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that the House file H. B. No. 22-66.

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 22-66 is to amend 1 CMC §2901 to require newly appointed persons to undergo certification training in regards to the Open Government Act (OGA).

HOUSE CLERK'S OFF

RECEIVED BY *[Signature]*

DATE *02/18/22* TIME *3:21 pm*

B. Committee Findings:

Your Committee finds that House Bill 22-66 intends to require all new appointees for all boards, commissions, and so forth, to undergo training with regard to the Open Government Act (OGA). Cognizant of its noble purpose, your Committee agrees with importance of the OGA and how it governs public meetings/hearings. However, the implementation of such requirement can be time consuming, especially in the event where a respective board/commission/etc. does not have a quorum. Furthermore, your Committee finds that each respective board/commission/etc. has the administrative power to implement such requirements. It is the intent of your Committee to respect such power and allow for them to implement such OGA training requirement(s) if they deem it necessary. Therefore, your Committee recommends that the House file House Bill 22-66.

C. Legislative History:

House Bill No. 22-66 was introduced by Representative Leila H.F.C. Staffler on May 28, 2021 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition.

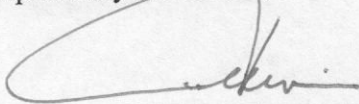
D. Cost Benefit:

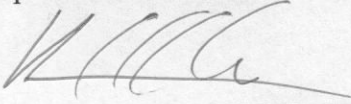
The Committee intends to file House Bill 22-66.

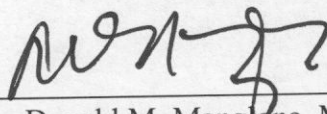
III. CONCLUSION:


The Committee recommends that the house file H. B. NO. 22-66.

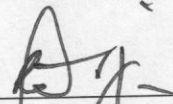
Respectfully submitted,

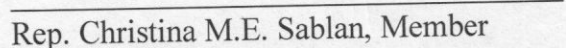

Rep. Celina R. Babauta, Chairperson


Rep. Vicente C. Camacho, Member


Rep. Donald M. Mangiona, Member

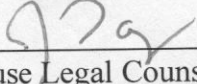

Rep. Blas Jonathan "BJ" T. Attao, Vice Chair


Rep. Richard P. Lizama, Member


Rep. Christina M.E. Sablan, Member

Rep. Edwin K. Propst, Member

Reviewed by:


House Legal Counsel

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES

Session, 2021

H. B. 22- 66

A BILL FOR AN ACT

To amend 1 CMC §2901 to require newly appointed persons to undergo certification training in regards to the Open Government Act (OGA); and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that the Open
2 Government Act (OGA) contains provisions as to how all public boards,
3 commissions, councils, committees, departments, and other public agencies are to
4 conduct themselves. The OGA, as amended by various public laws, sets a standard
5 that declares, with narrow exceptions, that all government meetings and public
6 records shall be open to the public. Such factors that must be displayed are the
7 notices, date, time, location, and items to be discussed in forthcoming meeting. The
8 OGA was established to provide effectiveness and transparency between the CNMI
9 Government and the people they serve.

10 The Legislature also finds that Title 1 section 2901 sets the general standard
11 pertaining appointments of individuals to serve on boards, agencies, commissions,
12 or positions. Such public agencies/entities include the Commonwealth Utilities

1 Corporation, Commonwealth Development Authority, Commonwealth Casino
2 Commission, the Northern Marianas College, and so forth. These newly appointed
3 individuals, many of which requires legislative approval, will be serving on
4 respective bodies that are governed by the OGA. Cognizant of such circumstance,
5 it is imperative for newly appointed individuals to familiarize themselves with the
6 OGA prior to their approval of serving on a respective board, commission, or other
7 position to enhance their capabilities in fulfilling their fiduciary duties.

8 Therefore, the purpose of this Act is to amend 1 CMC §2901 to require
9 newly appointed persons to undergo certification training in regards to the Open
10 Government Act (OGA).

11 **Section 2. Amendment.** Subject to codification by the Law Revision
12 Commission, Title 1 of the Commonwealth Code section 2901 is hereby amended
13 by adding a new subsection that shall read as follows:

14 ““§101. The CNMI Law Revision Commission or its designee shall develop
15 and administer a training program with respect to the CNMI Open
16 Government Act (OGA). Such training program must be completed at the
17 appointee's initial appointment as well as every two years thereafter, and a
18 certificate of completion must be submitted to the appointee's approving
19 body and/or entity as a mandatory prerequisite of the appointee's fitness to
20 serve in the appointed capacity.

102. The CNMI Law Revision Commission is hereby authorized to promulgate all rules and regulations and establish and collect reasonable fees associated with the administration of this program. The appointee's costs for attending and certification shall be borne by the appointee's respective board, agency, commission, or positions."

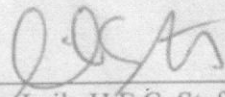
Section 3. Severability. If any provisions of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which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

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

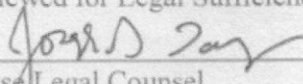
Section 5. Effective Date. This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Prefiled: 5/20/2021

Date: 05/19/2021 Introduced by:


Rep. Leila H.F.C. Staffler

Reviewed for Legal Sufficiency by:


House Legal Counsel