



THE SENATE
Twenty-Second Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

COPY

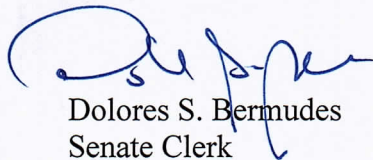
May 31, 2022

The Honorable Edmund S. Villagomez
Speaker
House of Representatives
22nd Northern Marianas Commonwealth Legislature
Saipan, MP 96950

Dear Speaker Villagomez:

I have the honor of returning with amendments House Bill No. 22-22, HD1, SD1 entitled, "To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits. The Senate passed House Bill No. 22-HD1, SD1 by the unanimous vote of the members, a quorum being present, in its 1st Day, Fourth Special Session on May 26, 2022.

Sincerely,



Dolores S. Bermudes
Senate Clerk

Attachment

Transmitted to HOUSE:

Received by:  Date: 5/31/2022 Time: 3:18pm



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

STANDING COMMITTEE REPORT NO. 22-66
Date: January 24, 2022
RE: House Bill No. 22-22, 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. 22-22 House Draft 1, entitled:

“To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.”

begs leave to report as follows:

I. RECOMMENDATION:

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

II. ANALYSIS:

A) Purpose:

The purpose of House Bill No. 22-22, HD1 is to establish laws that regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.

B) Committee Findings:

Your Committee finds that the practice of searching for and utilizing biological resources otherwise known as “bioprospecting” is as old as humankind, and has been vital to its survival, adaptation, and evolution. Furthermore, the technology associated with the practice of bioprospecting along with the general understanding of natural sciences has advanced over the years providing increased innovation. With the geographic location of the Commonwealth of the Northern Mariana Islands being surrounded by an abundance of wild and domesticated biodiversity; it can be proven that the practice of bioprospecting benefits the community eminently, and the ownership and rights to the use of local, natural and biological resources should be preserved and regulated.

Your Committee recognizes that similar proposed legislations were introduced in the 18th, 19th and 20th Legislatures all of which held the same intention, and overtime, were enhanced to accommodate issues that were raised during those legislatures. Furthermore, your Committee supports the intent of the House Bill No. 22-22, House Draft 1 and finds that the proposed legislation is vital as it allows for more studies of the Commonwealth’s natural resources to be conducted, which would provide more knowledge about particular subjects that may not have been discovered yet.

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 agreed to amend the proposed legislation as recommended by the Attorney General and the Mayor of the Municipality of Rota. The Mayor of the Municipality of Rota recommended that the word “state” be replaced with “CNMI”. The Office of the Attorney General recommended that language be included in the legislation to ensure that during the licensing process owners of private land and public land lease holders are duly protected. Your Committee agreed to these recommendations and incorporated the necessary amendments into the proposed legislation. It is for these reasons that your Committee supports the provisions of the proposed legislation, as amended, and recommends its passage in the form of House Bill No. 22-22, House Draft 1, Senate Draft 1.

C) Legislative History:

House Bill No. 22-22 was formally introduced by Representative Angel A. Demapan on February 12, 2021 and was subsequently referred to the House Standing Committee on Natural Resources for disposition. The House Standing Committee on Natural Resources adopted House Standing Committee Report No. 22-23 recommending the passage of the proposed legislation in the form of House Bill No. 22-22, House Draft 1. On August 31, 2021, House Bill No. 22-22, House Draft 1 was passed by the House of Representatives during its Second Day, Second Regular Session.

House Bill No. 22-22, House Draft 1 was transmitted to the Senate on September 2, 2021, filed as House Communication No. 22-54 and was subsequently referred to the Senate Standing Committee on Judiciary, Government, Law and Federal Relations for disposition.

Historically, similar proposed legislations have been formerly entertained during the 18th, 19th, and 20th Northern Marianas Commonwealth Legislature, as follows:

During the Eighteenth Northern Marianas Commonwealth Legislature, a similar legislation, House Bill No. 18-199, was formally introduced by Representative Richard B. Seman on July 8, 2014 and was subsequently referred to the House Standing Committee on Natural Resources for disposition. However, no further action was taken.

During the Nineteenth Northern Marianas Commonwealth Legislature, a similar legislation, House Bill No. 19-32, was formally introduced by Representative Anthony T. Benavente on February 27, 2015, and was subsequently referred to the House Standing Committee on Natural Resources (NR) for disposition. The House NR Committee adopted the proposed legislation in the form of House Bill No. 19-32 under House Standing Committee Report No. 19-76. On February 2, 2016, the House of Representatives passed House Bill No. 19-32 during its Third Day, Third Regular Session. House Bill No. 19-32 was transmitted to the Senate on February 4, 2016 and referred to the Senate Standing Committee on Judiciary, Government and Law for disposition. However, no further action was taken.

During the Twentieth Northern Marianas Commonwealth Legislature, a similar legislation, House Bill No. 20-65, was formally introduced by Representative Angel A. Demapan on April 3, 2013, and was subsequently referred to the House Standing Committee on Natural Resources for disposition. The House NR Committee adopted the proposed legislation in its original form under the House Standing Committee Report No. 20-59. On September 5, 2017, the House of Representatives passed the proposed legislation in the form of House Bill No. 20-65, House Draft 1 during its Fourth Day, Second Regular Session. House Bill No. 20-65, House Draft 1 was transmitted to the Senate on September 6, 2017 and referred to the Senate Standing Committee on Resources, Economic Development and Programs for disposition. However, no further action was taken.

D) Public Hearing and Comment:

Although a public hearing was not scheduled for House Bill No. 22-22, House Draft 1, Committee Meetings, which are open to the public, were held on the proposed legislation.

On January 24, 2022, House Bill No. 22-22, House Draft 1 made its first appearance on the agenda of the scheduled Committee Meeting. 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. However, no public comment was received on the proposed legislation by your Committee at any of the scheduled meetings.

Your Committee requested for comments with a deadline to respond by October 1, 2021. To date, status of comments received from the foregoing government agencies are as follows:

1. Office of the Attorney General, *Received October 14, 2021*
2. Mayor of the Municipality of Rota, *Received October 12, 2021*
3. Mayor of the Municipality of Tinian and Aguiguan, *Received October 5, 2021*
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*

E) Estimated Fiscal Cost:

The enactment of House Bill No. 22-22, House Draft 1, Senate Draft 1 will result in additional costs to the CNMI government for the purposes of training, registration, and enforcement of this Act. However, the environmental and economic benefits that may result from the enactment of House Bill 22-22, House Draft 1, Senate Draft 1 outweigh any fiscal cost.

F) Summary of Committee Amendments:

Your Committee agreed to the proposed amendments as follows:

1. Section 3. Enactment. Section 101. Definitions. Technical corrections made to the formatting of the definition of bioprospecting, as recommended by the Mayor of Rota, and inserted language to clarify the definition of *non-federal lands*, as recommended by the Committee, beginning on page 1 line 11 through page 2 line 21, to read:

“Section 101. Definitions.

(1) Bioprospecting defined.

(a) “Bioprospecting” means any search, analysis or study of naturally occurring biological processes, organic compounds, living or dead organisms, genetic information and DNA, and any other naturally occurring substances, processes and outputs found in the CNMI, for purposes of discovering something useful or commercially valuable, whether or not the search, analysis or study is conducted on-site or if materials were removed for off-site investigative processing.

(b) “Bioprospecting” does not include:

(i) horticultural cultivation, except for horticultural genetic engineering conducted in a manner otherwise constituting bioprospecting;
(ii) an agricultural enterprise;
(iii) a forest and range management practice;
(iv) invasive weed management; or
(v) incidental removal of materials while engaged in bona fide research or commercial enterprises provided removed materials are not used for bioprospecting.

(2) “Non-federal lands and waters” means lands and above-water and submerged lands and natural bodies of water in the CNMI that:

(a) is not owned or controlled by the federal government or within the exclusive and permanent jurisdiction of the federal government; and

(b) is owned by the CNMI, its municipality, or any other government agency that is not the federal government.”

2. General amendment made throughout the proposed legislation to replace the word “state” with “CNMI” as recommended by the Mayor of Rota.
3. Section 3. Enactment. Section 102. Scope of Act. Inserted language to clarify that the proposed legislation would only be applicable to public lands of the Commonwealth, not to include private lands; and, access to private lands would require the consent of the landowner, as recommended by the Attorney General, beginning on page 3 lines 6-16, to read:

“Section 102. Scope of Act.

(1) This Act does not modify or replace any other requirement under federal, CNMI state, or local law related to an act that under this Act is considered bioprospecting, including any requirement to obtain the permission of a landowner.

(2) This Act applies only to non-federal lands and waters owned by the CNMI and its municipalities and any other government agency that is not the federal government.

(3) This Act does not apply to private lands. Permission from a private landowner must be obtained to conduct any bioprospecting on private lands.”

4. Section 3. Enactment. Section 103. Regulations. Replaced reference of “registrant” to reference *license applicants*, as recommended by the Attorney General, beginning on page 3 line 17 through page 4 line 3, to read:

“Section 103. Regulations.

Within 180 days after the enactment of this Act or as soon as possible thereafter, the Secretary of the CNMI Department of Lands and Natural Resources (DLNR) shall promulgate rules and regulations necessary to carry out the intent of this Act inclusive of monitoring procedures and proper vetting of potential licensing applicants ~~registrants~~ to ensure that the applicant ~~registrant~~ is a person or an entity in good standing.”

5. Section 3. Enactment. Section 104. Registration for bioprospecting. Replaced reference of “registration for bioprospecting” to *license for bioprospecting*, as recommended by the Attorney General, beginning on page 4 line 4 through page 6, line 6, to read:

Section 104. License Registration for bioprospecting.

(1) Beginning immediately upon the promulgation of rules and regulations by DLNR, DLNR shall create a license application ~~registration~~ form for purposes of this Act that includes:

(a) notice of the CNMI's ~~state's~~ reservation of economic interests provided in Section 105;

(b) a statement to be signed by a person who is applying for a license ~~registers~~ that states that the person agrees to negotiate as described in Section 105; and

(c) a requirement that the person lists the locations at which the person anticipates bioprospecting during the 12-month period of the license ~~registration~~.

(d) a requirement that the person reports the results of the bioprospecting within 12 months after the end of the license ~~registration~~ period. Results must identify any findings identified as being potentially valuable, either economically, historically, or culturally, and state whether or not any further action will be taken in regards to the potentially valuable findings.

(e) a requirement that the person report to DLNR of any subsequent actions taken in regards to any findings.

(f) a requirement that DLNR be advised within three months of any assignment of the findings to another party.

(g) a requirement that all obligations under this Act of the person confer to subsequent assignees of the findings.

(2) Before engaging in an act of bioprospecting, a person shall apply for a license ~~register~~ with the DLNR and consent to any monitoring deemed necessary by DLNR.

(a) A license ~~registration~~ under this Act expires one year after issuance of the license ~~registration~~ unless otherwise revoked by DLNR at an earlier time.

(3) To obtain a license ~~register~~ with the division or renew a license ~~registration~~, a person shall:

(a) submit an license application ~~registration~~ form created by the DLNR in accordance with this Act;

(b) pay a license ~~registration~~ fee established by DLNR.

(4) Fifty percent of the license ~~registration~~ fee shall be deposited in a special account, to be called the “Bioprospecting Revolving Fund” to be established by the Secretary of the Department of Finance that shall be used by the Department of Lands and Natural Resources for expenses incurred as a result of enforcement and compliance monitoring for any licensed ~~registered~~ bioprospecting activity in the CNMI.

(5) The Secretary of the Department of Lands and Natural Resources shall be the expenditure authority for the license ~~registration~~ fees collected in the “Bioprospecting Revolving Fund” account established in subsection (4).

6. Section 3. Enactment. Section 105(2). Reservation of economic interests – Agreement to negotiate in good faith. Replaced the word “registration” to “license” to be consistent with Section 104, beginning on page 6, lines 12-15 to read:

“(2) A person may not engage in an act of bioprospecting in the CNMI if the person, as part of the license ~~registration~~ required herein, does not agree in writing to negotiate in good faith with the CNMI if the CNMI asserts an economic interest described in Subsection (1).”

7. Section 3. Enactment. Section 106(3). Economic benefits of the bioprospecting denied. Replaced the word “registration” to “license” to be consistent with Section 104, beginning on page 7, lines 1-5 to read:

“(3) Restitution funds collected shall be deposited into the “Bioprospecting Revolving Fund” to be used by the Department of Lands and Natural Resources for expenses incurred as a result of enforcement and compliance monitoring for any licensed ~~registered~~ bioprospecting activity in the CNMI.”

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. 22-22, House Draft 1, Senate Draft 1.

Respectfully submitted,



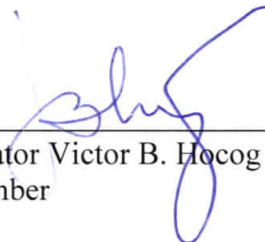
Senator Karl R. King-Nabors
Chairperson



Senator Vinnie F. Sablan
Vice Chairperson



Senator Francisco Q. Cruz
Member

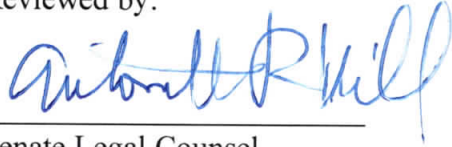


Senator Victor B. Hocog
Member



Senator Justo S. Quitugua
Member

Reviewed by:



Senate Legal Counsel

Attachment(s):

- *3 Written Comments:*

1. *Office of the Attorney General, Received October 14, 2021*
2. *Mayor of the Municipality of Rota, Received October 12, 2021*
3. *Mayor of the Municipality of Tinian and Aguiguan, Received October 5, 2021*

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 2021

First Regular Session, 2021

H. B. 22-22, HD1, SD1

A BILL FOR AN ACT

To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.

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

1 **Section 1. Short Title.** This act may be cited as the Richard B. Seman
2 Bioprospecting Act of 2021.

3 **Section 2. Findings and Purpose.** The Legislature believes that the time
4 has come to safeguard both our ownership of as well as our rights to the use of our
5 local natural and biological resources, including biological processes, organic
6 compounds, living and dead organisms, genetic information and DNA, and any
7 other naturally occurring substances, processes and outputs found in the
8 Commonwealth of the Northern Mariana Islands, hereinafter, "CNMI".

9 **Section 3. Enactment.** The following is hereby enacted, subject to
10 codification by the CNMI Law Revision Commission:

11 **"Section 101. Definitions.**

12

1 (1) Bioprospecting defined.

2 (a) “Bioprospecting” means any search, analysis or study of
3 naturally occurring biological processes, organic compounds, living
4 or dead organisms, genetic information and DNA, and any other
5 naturally occurring substances, processes and outputs found in the
6 CNMI, for purposes of discovering something useful or
7 commercially valuable, whether or not the search, analysis or study
8 is conducted on-site or if materials were removed for off-site
9 investigative processing.

10 (b) “Bioprospecting” does not include:

11 (i) horticultural cultivation, except for horticultural
12 genetic engineering conducted in a manner otherwise
13 constituting bioprospecting;

14 (ii) an agricultural enterprise;

15 (iii) a forest and range management practice;

16 (iv) invasive weed management; or

17 (v) incidental removal of materials while engaged in
18 bona fide research or commercial enterprises provided
19 removed materials are not used for bioprospecting.

20 (2) “Non-federal lands and waters” means lands and above-water
21 and submerged lands and natural bodies of water in the CNMI that:

1 (a) is not owned or controlled by the federal government or
2 within the exclusive and permanent jurisdiction of the federal
3 government; and

4 (b) is owned by the CNMI, its municipality, or any other
5 government agency that is not the federal government.

6 **Section 102. Scope of Act.**

7 (1) This Act does not modify or replace any other requirement under
8 federal, CNMI state, or local law related to an act that under this Act is
9 considered bioprospecting, including any requirement to obtain the
10 permission of a landowner.

11 (2) This Act applies only to non-federal public lands and waters
12 owned by the CNMI and its municipalities and any other government agency
13 that is not the federal government.

14 (3) This Act does not apply to private lands. Permission from a
15 private landowner must be obtained to conduct any bioprospecting on
16 private lands.

17 **Section 103. Regulations.**

18 Within 180 days after the enactment of this Act or as soon as
19 possible thereafter, the Secretary of the CNMI Department of Lands and
20 Natural Resources (DLNR) shall promulgate rules and regulations
21 necessary to carry out the intent of this Act inclusive of monitoring

1 procedures and proper vetting of potential licensing applicants ~~registrants~~
2 to ensure that the applicant ~~registrant~~ is a person or an entity in good
3 standing.

4 **Section 104. License Registration for bioprospecting.**

5 (1) Beginning immediately upon the promulgation of rules and
6 regulations by DLNR, DLNR shall create a license application ~~registration~~
7 form for purposes of this Act that includes:

8 (a) notice of the CNMI's ~~state's~~ reservation of economic
9 interests provided in Section 105;

10 (b) a statement to be signed by a person who is applying for
11 a license ~~registers~~ that states that the person agrees to negotiate as
12 described in Section 105; and

13 (c) a requirement that the person lists the locations at which
14 the person anticipates bioprospecting during the 12-month period of
15 the license ~~registration~~.

16 (d) a requirement that the person reports the results of the
17 bioprospecting within 12 months after the end of the license
18 ~~registration~~ period. Results must identify any findings identified as
19 being potentially valuable, either economically, historically, or
20 culturally, and state whether or not any further action will be taken
21 in regards to the potentially valuable findings.

1 (e) a requirement that the person report to DLNR of any
2 subsequent actions taken in regards to any findings.

3 (f) a requirement that DLNR be advised within three months
4 of any assignment of the findings to another party.

5 (g) a requirement that all obligations under this Act of the
6 person confer to subsequent assignees of the findings.

7 (2) Before engaging in an act of bioprospecting, a person shall apply
8 for a license register with the DLNR and consent to any monitoring deemed
9 necessary by DLNR.

10 (a) A license registration under this Act expires one year
11 after issuance of the license registration unless otherwise revoked
12 by DLNR at an earlier time.

13 (3) To obtain a license register with the division or renew a license
14 registration, a person shall:

15 (a) submit a license application registration form created by
16 the DLNR in accordance with this Act;

17 (b) pay a license registration fee established by DLNR.

18 (4) Fifty percent of the license registration fee shall be deposited in
19 a special account, to be called the "Bioprospecting Revolving Fund" to be
20 established by the Secretary of the Department of Finance that shall be used
21 by the Department of Lands and Natural Resources for expenses incurred

1 as a result of enforcement and compliance monitoring for any licensed
2 ~~registered~~ bioprospecting activity in the CNMI.

3 (5) The Secretary of the Department of Lands and Natural Resources
4 shall be the expenditure authority for the license ~~registration~~ fees collected
5 in the “Bioprospecting Revolving Fund” account established in subsection
6 (4).

7 **Section 105. Reservation of economic interests --Agreement to**
8 **negotiate in good faith.**

9 (1) The right of a person to engage in an act of bioprospecting in this
10 Commonwealth is subject to the CNMI’s reservation of any right it may
11 have to an economic benefit derived from the act of bioprospecting.

12 (2) A person may not engage in an act of bioprospecting in the
13 CNMI if the person, as part of the license ~~registration~~ required herein, does
14 not agree in writing to negotiate in good faith with the CNMI if the CNMI
15 asserts an economic interest described in Subsection (1).

16 **Section 106. Economic benefits of bioprospecting denied.**

17 (1) A person who engages in an act of bioprospecting in violation of
18 this Act is guilty of criminal trespass.

19 (2) If found guilty of a violation under this Act, a court may in
20 addition to a penalty imposed herein, order restitution that is proportional
21 to the economic interests the CNMI may have.

1 (3) Restitution funds collected shall be deposited into the
2 “Bioprospecting Revolving Fund” to be used by the Department of Lands
3 and Natural Resources for expenses incurred as a result of enforcement and
4 compliance monitoring for any licensed ~~registered~~ bioprospecting activity
5 in the CNMI.

6 (4) The Secretary of the Department of Lands and Natural Resources
7 shall be the expenditure authority for the restitution fees collected in the
8 “Bioprospecting Revolving Fund” established in subsection (3).”

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

1 **Section 6. Effective date.** This Act shall take effect upon its approval by
2 the Governor or upon its becoming law without such approval.

Prefiled: 2/12/2021

Date: 2/12/2021

Introduced By: /s/ Rep. Angel A. Demapan
/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. Joseph A. Flores
/s/ Rep. Joseph Leepan T. Guerrero
/s/ Rep. John Paul P. Sablan
/s/ Rep. Patrick H. San Nicolas

Reviewed for legal sufficiency by:

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



Office of the Mayor
Municipality of Tinian & Aguiguan



Edwin P. Aldan

Mayor

MOT-21-116

October 5, 2021

Senator Karl King-Nabors
Chairman
Judiciary, Government, Law and Federal Relations Committee
22nd Legislative Delegation
P.O. Box 500129
Saipan, MP 96950

RE: House Bill Comments No. 22-22, H.B. No. 22-38, and H.B. No. 22-58

Hafa Adai yan Tirow Mr. Chairman,

I hope this letter finds you well. My office received your letter dated September 16, 2021 requesting comments on the proposed legislations referred to your committee for action. Below, I provide you with my feedback on H.B. No. 22-22, HD1, H.B. No. 22-38, and H.B. No. 22-58.

Comments:

- H.B. No. 22-22, HD1: *To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.*
 - **Remark/Comment:** This is a great bill and has a potential in the CNMI because of its natural resources. With an advancement in technology, there is a possibility that through bioprospecting, we may identify resources that could be used for a variety of things. Identifying potential resources in the CNMI that can lead to a possible revenue stream, medicinal purposes, or to provide other benefits is always a great idea. With the current global pandemic, it changed the tourism market for the CNMI overnight which affected us quite a bit. This is a perfect time to look into other ways to substitute for the decline in tourist arrivals. With that, I have no issues with this proposed bill.
 - **Concerns:** None at this time.

MAJ
1911

- H.B. No. 22-38: *To amend Title 6, Division 5, Chapter 3, Article 2. Protection of Abused Children, to enact a new §5326. Discovery of evidence of child abuse or recordings of child witnesses, and for other purposes.*
 - **Remarks/Comment:** The intent of this bill is honorable, and protects the integrity of the court proceeding, but more importantly protects the abused children. For such a small community it is likely that individuals outside of the court system have bits and pieces of information regarding an ongoing case. This bill simply protects the privacy of a child in the event a trial commences. A controlled method to release evidence pertaining to a child or in general is always good idea in part due to how small our community is, therefore I agree with this bill.
 - **Concerns:** None at this time.

- H.B. No. 22-58: *To amend 7CMC §4101 to lower the interest rate of civil money judgements from nine percent (9%) to three percent (3%).*
 - **Remarks/Comment:** This is a reasonable bill considering the financial burdens that people of the CNMI experienced since Super Typhoon Yutu, and the global pandemic that happened shortly after. It is not a bad idea to provide some relief to our people; however, the relief cannot be a permanent change. I agree with this bill to some extent. Individuals should not be burdened by the associated fees at this time, so perhaps we can set the decrease for a specific time frame and as soon as we are able to find some relief from all the financial burdens attached to this pandemic is when the proposed relief should be lifted. Nine percent to three percent seems like an enormous decrease. Data to support this bill should probably be required before the possibility of acting on its passage.

Thank you, Mr. Chairman, for the opportunity that you have extended to gather my opinions on the proposed legislations referred to your committee. It is always my intention to provide comments based on what I believe is in the best interest of the CNMI, but most especially Tinian.

Si Yu'us Ma'asi yan Olomway,



Edwin P. Aldan
Mayor of Tinian and Aguiguan



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

October 4, 2021

Senator Karl King-Nabors
Chairman, Committee of Judiciary, Government, Laws and Federal Relation
PO BOX 500129
Capitol Hill, Saipan MP 96950



Dear Mr. Chairman:

I am happy to comment on the following house bills copies provided by your offices:

Reference: H.B. 22-22 HD1

Sometimes the most innocuous objects or organisms have impacted human civilization. Any environment may contain substances that, upon research, analysis or study may be discovered to have properties that can be, harnessed to benefit human existence and the CNMI is no exception. Having said the above, we need to put in place regulations that would benefit our people if in the future, substances in our environment are discovered to have the potential of improving our lives, especially if such substances are processed commercially, which would create global demand.

To improve the format of the bill, I would like to point out that on Page 2, line 19, there is (2) "Non-federal lands and waters... if there is (2), there should be (1), but there is none.

On page 3, line 20, the word states means the CNMI, I think, which I feel the bill should just clearly specify by just mentioning CNMI. We should avoid future legal arguments by not being very specific, as we have witnessed legal argument as to the definition of the word state. There may be other sections in the bill where the word State is used which would imply inclusion of the CNMI. If this is the case, I recommend that the acronym CNMI would be used.

Reference: H.B. No. 22-38

Title 6, Division 5, Chapter 3 Article 2 needs some tweaking and the above referenced Bill would further enhance the protection of children from people who have a penchant for using children for their sexual gratification. I truly appreciate your office's effort to include the written comments by the Attorney General and the Public Defender. I can understand the views of these public officials because the dichotomy of their roles calls for them to comment the way they did. However, as a public official and a parent, I strongly feel that it would be better to err on the side of caution than to endanger children by the government enhancing the libido of people who can access pornographic materials which are




unintentionally made available on the internet when a defense attorney uses the material in the discovery process of a case. The public defender pointed out there are provisions in the bill that are redundant because they are already addressed in public laws and court regulations on evidentiary controls. However, as I mentioned above, it is better to err on the side of caution than to contribute to a child being abused because the defense attorney inadvertently posted such materials on the internet.

Reference: H.B. 22-58

Amending 7CMC§4201 which would decrease the interest rate that a defendant would pay of the money judgment imposed by the court from 9% to 3% a year other jurisdiction in the U.S. By comparison 9% per year seems extreme as other jurisdictions impose only 1.5% a year on the money judgment against a defendant. On its face, the bill is not controversial. Therefore, passage is recommended.

Mr. Chairman, and members of the Committee, thank you for requesting on the above mentioned and I urge the committee to pass these bills.

Sincerely,


Efrain M. Atalig



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

LILLIAN A. TENORIO
Deputy Attorney General

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



October 13, 2021

OAGSEN: 2021-094
LSR No. 21-422

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

Re: HB 22-22, HD1 (bioprospecting); HB 22-38 (protection of abused children); HB 22-58 (lower interest rate of civil money judgments to 3%)

Dear Chairman King-Nabors:

Thank you for the opportunity to comment on the following: HB 22-22, HD1 (bioprospecting); HB 22-38 (protection of abused children); HB 22-58 (lower interest rate of civil money judgments to 3%). After reviewing the proposed legislation, the pertinent law and policy considerations, we offer the following comments:

HB 22-22, HD1 (Bioprospecting)

HB 22-22, HD1 is patterned after HB 19-32 and HB 20-65 which proposed to regulate the use of natural and biological resources of the Commonwealth. My office submitted substantial comments on HB 19-32, a copy of which is submitted for the consideration of the Committee. I had expressed concerns on the sweeping definition of "bioprospecting" and other overbroad language in the bill. I recommend that the committee review the intent of the bill to narrow the scope of conduct to be regulated so that activities that are not bioprospecting are not inadvertently regulated. The Committee must ensure that the rights of private landowners and people who lease public lands are taken into account in the licensing process. Further consideration is also recommended on whether the Commonwealth should issue licenses to ensure that its natural resources are not damaged through bioprospecting activities.

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

HB 22-38 (Protection of abused children)

This bill prevents the release of certain evidence related to child abuse cases, including pornography and recordings of interviews of children in abuse cases. The **bill** provides for a reasonable method for a defense attorney to view those materials in preparation for trial.

In the modern age of the Internet, information is easily distributed online. This bill recognizes that even releasing copies during the course of a criminal case can compromise the privacy of children. Digital information can easily be uploaded and streamed and can't be recovered.

A majority of states have adopted some form of protection for such information, especially child pornography and child interviews. Courts have found that this approach properly balances the need for discovery by a criminal defendant and the need to protect the privacy of a child.

The bill as written is legally sufficient. The Office of the Attorney General supports House Bill 22-38

HB 22-58 (Reducing post-judgement interest for monetary judgments to 3%)

The findings in the bill supported by SCR 22-26 issued by the House Judiciary and Governmental Operations provides a compelling argument to lower the post-judgment interest for monetary judgments from 9% to 3%. The pandemic crisis, the court closures and delays caused by the pandemic are reasonable grounds for reducing the interest. It would be inequitable for defendants to be bootstrapped to the accrual of the 9% interest during this highly volatile and unstable time.

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 Attorney General

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

EDWARD MANIBUSAN
Attorney General

LILLIAN A. TENORIO
Deputy Attorney General

June 1, 2015

OAGHB: 2015-010

Honorable Edwin P. Aldan
Chair, House Standing Committee on Natural Resources
Nineteenth Northern Mariana Islands Commonwealth Legislature
PO Box 500586
Saipan, MP 96950

Re: Request for Comments on House Bill 19-32

Dear Representative Aldan:

Thank you for requesting comments from the Office of the Attorney General on House Bill 19-32. We have reviewed the version of the bill that was introduced on February 25, 2015, and that you transmitted to us on May 8, 2015. We offer the following comments for your consideration.

The majority of this bill appears to be based on the Utah Bioprospecting Act, Utah Code Ann. §§ 65A-14-101—65A-14-301. *See also* William M. Fischer, *The Utah Bioprospecting Act of 2010: (Unintentional) State-Level Implementation of the United Nations Convention on Biodiversity*, 10 J. on Telecomm. & High Tech. L. 197 (Winter 2012), available at http://jthtl.org/content/articles/V10I1/JTHTLV10I1_W%20Fischer.PDF. However, this bill has a much broader scope than the Utah act. Utah's act applies only to microorganisms, plants, and fungi that have been removed from their natural environment, and to information gathered by their removal. Utah Code Ann. § 65A-14-101(1)(a). In H.B. 19-32, bioprospecting is defined as the "...search, analysis or study of naturally occurring biological processes, organic compounds, living or dead organisms, genetic information and DNA, and any other naturally occurring substances, processes and outputs found in the CNMI, for purposes of discovering something useful or commercially valuable...." This definition is extraordinarily broad, and encompasses a number of activities that are not usually considered to be bioprospecting. For example:

- A commercial photographer who travels around the CNMI looking for rainbows to photograph is a bioprospector under this bill because the photographer is searching for a naturally occurring process for commercial purposes.
- A veterinarian conducting a test on a pet is a bioprospector under this bill because the veterinarian is studying a living organism for commercial purposes.

Civil Division
Telephone: (670) 237-7500
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Criminal Division
Telephone: (670) 237-7600
Facsimile: (670) 234-7016

Attorney General's Investigative
Telephone: (670) 237-7625
Facsimile: (670) 234-7016

Division Domestic Violence Intervention Center
Telephone: (670) 664-4583
Facsimile: (670) 664-4589

- A meteorologist is a bioprospector under this bill because the meteorologist is studying a naturally occurring process for useful purposes.
- A consumer shopping for sugar is a bioprospector under this bill because the consumer is searching for a naturally occurring organic compound for commercial purposes.
- A subsistence fisherman is a bioprospector under this bill because the fisherman is searching for a living organism for useful purposes.

Furthermore, two of the categories of this bill—"living and dead organisms" and "genetic information and DNA"—include humans, leading to the following examples:

- A nurse giving a blood pressure test is a bioprospector under this bill because the nurse is studying a living organism for commercial purposes.
- A crime scene investigator conducting a DNA test is a bioprospector under this bill because the investigator is studying DNA for useful purposes.
- A journalist writing a biography of a Commonwealth resident is a bioprospector under this bill because the journalist is studying a living organism for useful purposes.

The Legislature should narrow the scope of this bill to prevent the possibility of such absurd results.

The Utah act is limited to public land. Utah Code Ann. § 65A-14-103(2). This bill covers all non-federal lands and waters in the CNMI, giving DLNR the right to receive money for any valuable discovery made on private lands. By doing so, the Commonwealth may be asserting a claim to partial ownership of privately-owned property. If this happened, the private owner of the property may be able to sue the Commonwealth, claiming that the Commonwealth has taken their property without just compensation in violation of the Fifth Amendment to the U.S. Constitution.

Even if this bill were limited solely to public lands, the CNMI owns many public lands that are not suitable for research purposes. The bill also requires the permission of a landowner to conduct bioprospecting activities, but does not require the land's occupant to give permission if the land is being leased by someone other than the owner. As currently drafted, this bill could allow DLNR to permit the following studies:

- Scientists travel to a parcel that is occupied under a homestead permit, but has not yet been transferred to the homesteader by a deed, and seize the homesteader's dog without requiring permission from the homesteader.
- Scientists visit a resort hotel that is built on public land and require anyone who enters the property to submit to a blood test. The hotel is not consulted.

- Scientists dig up graves at a public cemetery and send the bodies' off-island for study without consulting the families of the deceased.

The bill's proposal to place DLNR in charge of collecting fees for bioprospecting is not permissible if the bioprospecting occurs on public lands. 2 CMC § 4115(g) places the Marianas Public Land Corporation in charge of collecting funds arising from the use of public lands. The MPLC no longer exists. Its successor agency is the Department of Public Lands. 1 CMC § 2801 comment. Therefore, bioprospecting fees on public lands must be remitted to DPL. It is unclear whether DLNR has the authority to collect and manage funds arising from the use of non-public lands.

While Utah's practice of limiting bioprospecting management functions to a few types of activities and to public lands is an improvement over H.B. 19-32's proposed management scheme, it may be unconstitutional on other grounds. The Supremacy Clause of the U.S. Constitution prevents the states (and the Commonwealth) from enacting laws that conflict with federal policy. When states try to assert ownership rights over information, such as the research that would arise out of bioprospecting, the assertion of rights is unconstitutional if it would "interfere with the federal policy... of allowing free access to copy whatever the federal patent and copyright laws leave in the public domain." *Compco Corp. v. Day-Brite Lighting, Inc.*, 376 U.S. 234, 237 (1964). The U.S. Copyright Office has not expressly determined if the CNMI can hold copyright or patent protections, but it does state that works created by the District of Columbia, Puerto Rico, and the organized territories are in the public domain. *Compendium of the U.S. Copyright Practices*, § 313.6(C)(1) (3rd ed. 2014). It is likely, then, that information created by the CNMI is in the public domain. Therefore, to the extent that this bill attempts to claim ownership in the information created as a result of research, it likely violates the federal policy that the CNMI's works are in the public domain, and could be unconstitutional.

The bill's requirement for the bioprospector to report any results showing a valuable finding to DLNR could discourage potential bioprospectors from working in the CNMI. Because the DLNR would be required to keep the report as part of its business, the report would be a public record, and available for disclosure under the Open Government Act, 1 CMC §§ 9901-9918. Another organization could file a public records request to gain copies of the report and learn everything the bioprospector reported, allowing them to gain the benefits of the research without expending the effort.

If the Legislature wishes to regulate the bioprospecting industry without wading into the murky waters of intellectual property laws, it could consider an alternate arrangement in which bioprospecting is conducted not through a revenue-sharing agreement, but by a license and an upfront fee. A license-and-fee arrangement would fall squarely under the traditional power of the Commonwealth to preserve its environment by limiting bioprospecting activities to sustainable rates. This arrangement would probably also be more financially beneficial to the Commonwealth, as the long development cycle and high failure rate of pharmaceutical development means that revenue-sharing agreements between bioprospectors and governments

rarely result in profits. See Hawaii Legislative Reference Bureau, *Bioprospecting: Issues and Policy Considerations* 15-16 (2006), available at <http://lrbhawaii.info/lrbrpts/05/biocon.pdf>. Section 3(104(1)(a)) of the bill contains a typo. The word "state" should be replaced by "Commonwealth."

Recommendations:

1. The Legislature should narrow the scope of the bill to ensure that it does not accidentally regulate activities that are not bioprospecting and to ensure that the rights of private landowners and of people who lease public lands are respected.
2. The Legislature should consider revising the bill so that instead of claiming property rights in the information gained through bioprospecting, the Commonwealth issues bioprospecting licenses to ensure that its natural resources are not damaged through bioprospecting activities.
3. The Legislature should amend 1 CMC § 9918 to specify that bioprospecting reports are exempt from disclosure under the Open Government Act.
4. The Legislature should review the articles by Fischer and the Hawaii Legislative Reference Bureau for more information on potential bioprospecting laws.

Sincerely,



EDWARD MANIBUSAN
Attorney General

cc: Governor, Eloy S. Inos
Ralph DLG. Torres, Lt. Governor
Victoria T. Guerrero, SAPLR
Richard B. Seman, DLNR



**HOUSE STANDING COMMITTEE ON
NATURAL RESOURCES**
HOUSE OF REPRESENTATIVES
NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
Honorable Jesus P. Mafnas Memorial Building

REP. EDWIN P. ALDAN
Chair

REP. JOSEPH LEE PAN T. GUERRERO
Vice Chair

P. O. BOX 500586
SAIPAN, MP 96950

MEMBERS
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Vice Speaker Rafael S. Demapan
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Rep. Blas Jonathan BJ T. Attao
Rep. Ramon A. Tebuteb

May 8, 2015

The Honorable Edward Manibusan
Attorney General
Commonwealth of the Northern Mariana Islands
Capitol Hill
Saipan, MP 96950

RECEIVED
Office of the Attorney General
Civil Division
Date: 5/18/15
Time: 11:20
Rec'd by: [Signature]

Re: H.B. No. 19-32

Dear Attorney General Manibusan:

I have attached H.B. No. 19-32: "To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.", that was referred to my committee to consider and report on. The purpose of this letter is to solicit any recommendations, concerns, questions and/or comments pertaining to this legislation that will be an invaluable source of information that will assist the Natural Resource Committee Members in their task to decide the feasibility of the aforementioned legislation. Please submit your response by the end of business day on Monday, May 18, 2015.

Should questions arise, please feel free to contact me at 664-8806. Thank you for your time and I look forward to receiving your comments on H.B. No. 19-32.

Sincerely,

Edwin P. Aldan

attachment

Nineteenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Session, 2015

H. B. 19- 92

A BILL FOR AN ACT

To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.

**BE IT ENACTED BY THE NINETEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Short Title.** This act may be cited as the CNMI Bioprospecting
2 Act of 2015.

3 **Section 2. Findings and Purpose.** The Legislature believes that the time
4 has come to safeguard both our ownership of as well as our rights to the use of our
5 local natural and biological resources, including biological processes, organic
6 compounds, living and dead organisms, genetic information and DNA, and any
7 other naturally occurring substances, processes and outputs found in the
8 Commonwealth of the Northern Mariana Islands, hereinafter, "CNMI".

9 **Section 3. Enactment.** The following is hereby enacted, subject to
10 codification by the Law Revision Commission:

11 "Section 101. Definitions.

*really broad - doesn't even
require removal*

12 (a) "Bioprospecting" means any search, analysis or study of
13 naturally occurring biological processes, organic compounds, living or

1 dead organisms, genetic information and DNA, and any other naturally
2 occurring substances, processes and outputs found in the CNMI, for
3 purposes of discovering something useful or commercially valuable,
4 whether or not the search, analysis or study is conducted on-site or if
5 materials were removed for off-site investigative processing.

6 (b) "Bioprospecting" does not include:

7 (i) horticultural cultivation, except for horticultural genetic
8 engineering conducted in a manner otherwise constituting
9 bioprospecting;

10 (ii) an agricultural enterprise;

11 (iii) a forest and range management practice;

12 (iv) invasive weed management; or

13 (v) incidental removal of materials while engaged in bona
14 fide research or commercial enterprises provided removed
15 materials are not used for bioprospecting.

16 (2) "Non-federal lands and waters" means above-water and
17 submerged lands and natural bodies of water in the CNMI that is not
18 owned by the federal government or within the exclusive and permanent
19 jurisdiction of the federal government.

20 **Section 102. Scope of Act.**

1 (1) This Act does not modify or replace any other requirement
2 under federal, state, or local law related to an act that under this Act is
3 considered bioprospecting, including any requirement to obtain the
4 permission of a landowner.

5 (2) This Act applies only to non-federal lands and waters.

6 **Section 103. Regulations.**

7 Within 180 days after the enactment of this Act or as soon as
8 possible thereafter, the Secretary of the CNMI Department of Lands and
9 Natural Resources (DLNR) shall promulgate rules and regulations
10 necessary to carry out the intent of this Act.

11 **Section 104. Registration for bioprospecting.**

12 (1) Beginning immediately upon the promulgation of rules and
13 regulations by DLNR, DLNR shall create a registration form for purposes
14 of this Act that includes:

15 (a) notice of the state's reservation of economic interests
16 provided in Section 105;

17 (b) a statement to be signed by a person who registers that
18 states that the person agrees to negotiate as described in Section
19 105; and

1 (c) a requirement that the person lists the locations at which
2 the person anticipates bioprospecting during the 12-month period
3 of the registration.

4 (d) a requirement that the person reports the results of the
5 bioprospecting within 12 months after the end of the registration
6 period. Results must identify any findings identified as being
7 potentially valuable and state whether or not any further action will
8 be taken in regards to the potentially valuable findings.

9 (e) a requirement that the person report to DLNR of any
10 subsequent actions taken in regards to any findings.

11 (f) a requirement that DLNR be advised in a timely manner
12 of any assignment of the findings to another party.

13 (g) a requirement that all obligations under this Act of the
14 person confer to subsequent assignees of the findings.

15 (2) Before engaging in an act of bioprospecting, a person shall
16 register with the DLNR.

17 (a) A registration under this Act expires twelve months
18 after issuance of the registration.

19 (3) To register with the division or renew a registration, a person
20 shall:

1 (a) submit a registration form created by the DLNR in
2 accordance with this Act;

3 (b) pay a fee established by DLNR.

4 **Section 105. Reservation of economic interests --Agreement to**
5 **negotiate in good faith.**

6 (1) The right of a person to engage in an act of bioprospecting in
7 this Commonwealth is subject to the CNMI's reservation of any right it
8 may have to an economic benefit derived from the act of bioprospecting.

9 (2) A person may not engage in an act of bioprospecting in the
10 CNMI if the person, as part of the registration required herein, does not
11 agree in writing to negotiate in good faith with the CNMI if the CNMI
12 asserts an economic interest described in Subsection (1).

13 **Section 106. Economic benefits of bioprospecting denied.**

14 (1) A person who engages in an act of bioprospecting in violation
15 of this Act is guilty of criminal trespass.

16 (2) If found guilty of a violation under this Act, a court may in
17 addition to a penalty imposed herein, order restitution that is proportional
18 to the economic interests the CNMI may have."

19 **Section 4. Severability.** If any provision of this Act or the application of
20 any such provision to any person or circumstance should be held invalid by a
21 court of competent jurisdiction, the remainder of the Act or the application of its

1 provisions to persons or circumstances other than those to which it is held invalid
2 shall not be affected thereby.


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

10 **Section 6. Effective date.** This Act shall take effect upon its approval by
11 the Governor or upon its becoming law without such approval.

Prefiled: 2/25/15

Date: 2/25/15

Introduced By:


Rep. Anthony T. Benavente

Reviewed for introduction purposes only by:


House Legal Counsel



OFFICE OF THE SENATE PRESIDENT
TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATOR JUDE U. HOFSCHEIDER
Senate President

MEMORANDUM

DATE: April 14, 2022

TO: All Members of the Senate

FROM: President of the Senate



Senator Jude U. Hofschneider

SUBJECT: Hearing on the Motion to Dismiss the Articles of Impeachment – April 19, 2022

Pursuant to Senate Impeachment Rule 19(a), I have scheduled a hearing on the motion to dismiss the articles of impeachment on **Tuesday, April 19, 2022, at 10:00 a.m.** in the **Senate Chamber of the Honorable Jesus P. Mafnas Memorial Building, Capitol Hill, Saipan.** The moving party is required to attend the hearing on the motion to dismiss the articles of impeachment.

On March 29, 2022, the Senate President selected Representative Corina L. Magofna to be the House Impeachment Prosecutor pursuant to Senate Impeachment Rule 7(a)(2) and gave notice to enter an appearance in this matter. Pursuant to Rep. Magofna's failure to timely file an appearance in this matter and the House Clerk's failure to submit the House impeachment record in compliance with Senate Impeachment Rule 9(e), the House Impeachment Prosecutor shall not be allowed to participate at the hearing on the motion to dismiss the articles of impeachment.

Your attention to this matter is greatly appreciated.

cc: House Members
Senate Legal Counsels
Senate Clerk
Senate Legislative Assistants
House Legal Counsels

4/14/22 @ 4:15 PM



OFFICE OF THE SENATE PRESIDENT
TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATOR JUDE U. HOFSCHEIDER
Senate President

April 14, 2022

Pursuant to the Senate Impeachment Rules, the Official Rules of the Senate and the Open Government Act, Senator Jude U. Hofschneider, Presiding Hearing Officer of the Senate Impeachment Hearing of the Twenty-Second Northern Marianas Commonwealth Legislature (NMCL) will convene the following hearing:

HEARING: Motion to Dismiss the Articles of Impeachment

DATE: Tuesday, April 19, 2022

TIME: 10:00 a.m.

**LOCATION: Senate Chamber, Honorable Jesus P. Mafnas Memorial Bldg.,
Capitol Hill, Saipan**

Copies of this notice, the official hearing call, and the agenda have been filed in the Office of the Senate Clerk, released to the media, and posted at the following locations:

Administration Building Entrance Hall
House of Representatives Entrance Hall
Senate Entrance Hall
NMCL Website (www.cnmileg.net)
NMCL Facebook Page (www.facebook.com/cnmilegislature)

Written testimony on agenda items may be delivered to the **Office of the Senate Clerk** of the **Honorable Jesus P. Mafnas Memorial Building** located in Capitol Hill, Saipan or sent via email to **Ms. Dolores S. Bermudes, Senate Clerk**, at doloresbermudes.lb@gmail.com on or before the scheduled hearing.

Oral testimony on agenda items may be presented during the scheduled hearing. Oral testimonies pertaining to the motion to dismiss shall not exceed 5 minutes.

DISTRIBUTION LIST:

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Power 99 Radio Station: tinabpalacios@gmail.com

Honorable Jesus P. Mafnas Memorial Building, Capitol Hill, Saipan
TELEPHONE: (670) 664-8809 FAX: (670) 664-8810 MAILING: P.O. Box 500129 Saipan, MP 96950
EMAIL: senator.hofschneider@gmail.com | sen.hofschneiderj@cnmileg.net



OFFICE OF THE SENATE PRESIDENT
TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATOR JUDE U. HOFSCHEIDER
Senate President

AGENDA

HEARING ON THE MOTION TO DISMISS THE ARTICLES OF IMPEACHMENT
TUESDAY, APRIL 19, 2022
10:00 A.M. | SENATE CHAMBER

- I. Call to Order

- II. Roll Call

- III. Adoption of Agenda

- IV. Public Comments

- V. Motion to Dismiss Articles of Impeachment – March 28, 2022

- VI. Adjournment