

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
HOUSE OF REPRESENTATIVES

P.O. BOX 500586
SAIPAN, MP 96950
cnmileg.net

August 13, 2024

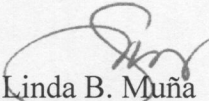
HOUSE
FILE
*

The Honorable Edith E. DeLeon Guerrero
President
The Senate
Twenty-Third Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Senate President DeLeon Guerrero:

I have the honor of transmitting herewith for Senate *action* **H. B. No. 23-109, HD1**, entitled: **“To authorize the Indigenous Affairs Office (IAO) to promulgate fees; and for other purposes.”**, which was passed by the House of Representatives on First and Final Reading, by the majority vote of the members present, a quorum being present, during its First Day, Fourth Regular Session on August 8, 2024.

Sincerely yours,


Linda B. Muña
House Clerk

Attachment

Transmittal to the SENATE

Received by: Chanele Borja

Date: 8/13/24

Time: 9:30am

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2024

Second Special Session, 2024

H. B. 23-109, HD1

A BILL FOR AN ACT

To authorize the Indigenous Affairs Office (IAO) to promulgate fees; and for other purposes.

**BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that the
2 Indigenous Affairs Office (IAO) was created by Article III, Section 23 of the NMI
3 Constitution. Pursuant to the aforementioned constitutional mandate, the IAO was
4 created to coordinate the development, distribution, adoption and translation of a
5 comprehensive history of the Marianas; ensure local participation in executive
6 managerial decision-making in the government and private sector; establish a
7 community foundation for the advancement of the indigenous people; and so forth.
8 Cognizant of their duties and responsibilities in addressing matters pertaining to the
9 indigenous community, the Legislature finds that the IAO is heavily reliant on the
10 annual budget appropriations for financial purposes. To alleviate the financial
11 burdens for both the annual budget appropriations and the IAO, the Legislature
12 finds that it would be appropriate to grant IAO with the ability to promulgate their

1 own fees to cover costs associated with personnel and daily operations. With such
2 authority, the IAO will be able utilize such fees to cover the costs associated with
3 their personnel and daily operations. Furthermore, IAO will not have to rely heavily
4 on the annual budgets every fiscal year.

5 Therefore, the purpose of this Act is to authorize the Indigenous Affairs
6 Office (IAO) to promulgate fees and for other purposes.

7 **Section 2. Enactment.** Notwithstanding any laws or regulations to the
8 contrary and subject to codification by the CNMI Law Revision Commission, the
9 following provisions shall hereby be enacted:

10 “§101. Resident Executive of the Indigenous Affairs Office (IAO)
11 Fee Promulgation.

12 (a) The Executive Assistant of the Indigenous Affairs Office (IAO),
13 as established by Article III, Section 23 of the NMI Constitution, is hereby
14 authorized to promulgate appropriate fees that are deemed necessary for the
15 program.

16 (b) The Secretary of the Department of Finance shall establish
17 within the Commonwealth Treasury a Indigenous Affairs Office (IAO)
18 Revolving Fund Account which shall be accounted for separately from the
19 General Fund. All funds collected pursuant to §101 of this Act shall be
20 deposited into the account shall be non-lapsing and exclusively used to pay
21 the personnel salaries, operations and services provided by the Indigenous

HOUSE BILL 23-109, HD1

1 Affairs Office (IAO). The expenditure authority of the funds deposited into
2 this revolving fund shall be the Resident Executive of the Indigenous
3 Affairs Office (IAO).”

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

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

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

Introduced: 5/10/2024

Date: 5/10/2024

Introduced by: /s/ Rep. Manny G. T. Castro

/s/ Rep. Roy C.A. Ada

/s/ Rep. Roman C. Benavente

HOUSE BILL 23-109, HD1

/s/ Rep. Angelo A. Camacho
/s/ Rep. Vicente C. Camacho
/s/ Rep. Joseph A. Flores
/s/ Rep. Thomas J. DLC. Manglona
/s/ Rep. Malcolm J. Omar
/s/ Rep. Patrick H. San Nicolas
/s/ Rep. Denita Kaipat Yangetmai

Reviewed for Legal Sufficiency by:
/s/ Joseph L.G. Taijeron, Jr.
House Legal Counsel



LEGISLATURE
COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY AND GOVERNMENTAL
OPERATIONS
P.O. BOX 500586 SAIPAN, MP 96950

MARISSA R. FLORES
CHAIRWOMAN

Adopted - 8/8/2024
STANDING COMMITTEE REPORT NO. 23-82
DATE: JULY 25, 2024
RE: H.B. 23-109

The Honorable Edmund S. Villagomez
Speaker of the House of Representatives
Twenty-Third 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. 23-109:

“To authorize the Indigenous Affairs Office (IAO) to promulgate fees; and for other purposes.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. No. 23-109 be passed by the House in the form of House Draft 1.

HOUSE CLERK'S OFC

RECEIVED BY *[Signature]*

DATE

7/29/2024 TIME 4:17p

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 23-109 is to authorize the Indigenous Affairs Office (IAO) to promulgate fees and for other purposes

B. Amendments:

The Committee made the following amendments to strengthen the intent of House Bill No. 23-109.

- Page 2
 - Line 16, after the language “(b)”:
 - **Delete** “There”
 - **Insert** “The Secretary of the Department of Finance”
 - **Delete** “is hereby”
 - Line 17:
 - **Insert** “shall”
 - Line 17, in the word “established”:
 - **Delete** “ed”

C. Committee Findings:

Your Committee finds that pursuant to Article III, Section 23 of the NMI Constitution, the Indigenous Affairs Office (IAO) was created to represent and preserve the indigenous cultures of the CNMI. Furthermore, their duties and responsibilities include, but not limited to, coordinating the development, distribution, adoption and translation of a comprehensive history of the Marianas; establishing a community foundation for the advancement of the indigenous people; developing and implementing a long-range plan to assist and promote the entry of the indigenous people into professional and technical institutions of higher education; and so forth. Cognizant of such duties and responsibilities, your Committee finds that the operations of IAO are crucial in carrying out traditional values, beliefs, and activities. Therefore, your Committee believes that it would be of utmost importance to enable them to develop financial opportunities to sustain their daily services.

Your Committee further finds that the IAO performs various activities and services throughout the community. Such activities and/or services include, but not limited to,

infrastructure development (EDA Grant – 500 Sails Boat Yard & Cultural Events Center); maintenance of sites (Kagman Latte Site, Civic Center, 500 Sails Boat Yard); and Outreach Activities (Mt. Tapochao Easter Pilgrimage, Saturday Sails by 500 Sails, PSS Cultural Day, Liberation Day, and Taste of the Marianas). Pursuant to the aforementioned activities, your Committee finds that the Indigenous Affairs Office goes above and beyond to serve our communities. Despite such dedication, your Committee finds that IAO is heavily reliant on annual budget appropriations to fund their salaries, operations and services. To alleviate such reliance, your Committee finds that it would be appropriate to allow for the Resident Executive of the IAO to promulgate appropriate fees that he/she deem necessary. With such promulgation, the IAO can assess necessary fees and utilize such fees to sustain their daily operations. Your Committee finds that it would be of significant importance to grant IAO with such authority with hopes to attain greater financial independence.

It is the intent of your Committee to amend the proposed legislation to require the Secretary of Finance to establish the revolving fund account pursuant to Section 2(b). Your Committee finds that such authority is necessary to effectively and efficiently carry out the intent of the proposed legislation. Therefore, your Committee agrees with the intent and purpose of House Bill No. 23-109 and recommends its passage in the form of House Draft 1.

D. Public Comments:

The Committee received comments from the following:

- Ms. Teresita A. Santos, Secretary, Department of Public Lands (Written)

The Secretary of the Department of Public Lands expresses her concerns regarding the lack of specificity in the fee structures outlined in the proposed legislation.

E. Legislative History:

House Bill No. 23-109 was introduced by Representative Manny G.T. Castro on May 10, 2024, to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition.

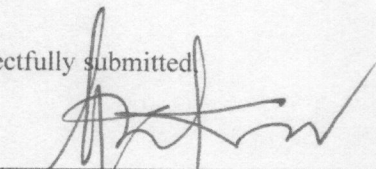
F. Cost Benefit:

The enactment of House Bill No. 23-109, HD1 will not result in additional cost to the CNMI Government for the intent of the proposed legislation is to authorize the Indigenous Affairs Office (IAO) to promulgate fees that they deem necessary to pay personnel salaries, operations and services provided by them.

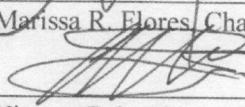
III. CONCLUSION:

The Committee is in accord with the intent and purpose of H. B. No. 23-109 and recommends its passage in the form of House Draft 1.

Respectfully submitted,




Rep. Marissa R. Flores, Chairwoman



Rep. Vincent R.S. Aldan, Member


Rep. Vicente C. Camacho, Member

Rep. Malcolm J. Omar, Member



Rep. John Paul F. Sablan, Member

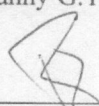
Rep. Joel C. Camacho, Vice Chair



Rep. Blas Jonathan "BJ" T. Attao, Member




Rep. Manny G.T. Castro, Member



Rep. Ralph N. Yumul, Member

Reviewed by:



House Legal Counsel

Attachment:

- Letter dated July 10, 2024 from the Secretary of the Department of Public Lands.



Commonwealth of the Northern Mariana Islands
Office of the Governor
DEPARTMENT OF PUBLIC LANDS



June 10, 2024

AD24-0244

Representative Marissa R. Flores
Chairwoman
House Standing Committee on Judiciary and Governmental Operations
23rd Northern Marianas Commonwealth Legislature
P.O. Box 500129
Saipan, MP 96950

Subject: Comment on H.B. 23-109 and H.B. 23-110- Authorization for Indigenous Affairs Office and Carolinian Affairs Office to promulgate fees

Dear Honorable Chairwoman Flores:

The Department of Public Lands (DPL) appreciates the opportunity to provide comments on H.B. 23-109 and H.B. 23-110, which aim to authorize the Indigenous Affairs Office (IAO) and the Carolinian Affairs Office (CAO) to promulgate fees for their operations.

DPL would like to express our concerns regarding the lack of specificity in the fee structures outlined in both bills. Neither H.B. 23-109 nor H.B. 23-110 specify the types or ranges of fees that the IAO and CAO can promulgate. Thus, to ensure clarity, DPL recommends that both bills include guidelines or a framework within which the fees should be set. Specifying the types of services for which fees can be charged and providing a range or cap for these fees would help prevent any ambiguities and ensure that the fee structures are transparent and equitable.

DPL believes that addressing this issue will strengthen both bills and enhance their effectiveness in achieving their intended goals. Thank you for considering our comments. We look forward to the positive impact this legislation will have on the IAO, CAO, and the communities they serve.

Sincerely,

Teresita A. Santos
Secretary, DPL