

**RALPH DLG. TORRES**  
Governor



**VICTOR B. HOCOG**  
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

02 MAR 2018

The Honorable Rafael S. Demapan  
Speaker, House of Representatives  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Arnold I. Palacios  
Senate President, The Senate  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 20-140, HD1, SD1 entitled, "To repeal and reenact Title 3, Division 2, Chapter 4, Article 3 of the Commonwealth Code, to designate the Department of Community and Cultural Affairs as the program administering authority for the respite services program; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-43**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph DLG. Torres", written over a circular stamp or seal.

**RALPH DLG. TORRES**

cc: Lt. Governor; Press Secretary; Attorney General's Office; Department of Community and Cultural Affairs; Department of Finance, Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



# House of Representatives

20<sup>th</sup> NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586  
SAIPAN, MP 96950

February 20, 2018

The Honorable Ralph DLG. Torres  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 20-140, HD1, SD1**, entitled: "To repeal and reenact Title 3, Division 2, Chapter 4, Article 3 of the Commonwealth Code, to designate the Department of Community and Cultural Affairs as the program administering authority for the respite services program; and for other purposes., which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.

Sincerely yours,

A handwritten signature in blue ink, appearing to be "L. Muña", enclosed in a circular blue ink scribble.

Linda B. Muña  
House Clerk

Attachment



*Twentieth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

**Second Regular Session**

**November 21, 2017**

REPRESENTATIVE IVAN A. BLANCO of Saipan, Precinct 3 (*for himself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 20-140, HD1, SD1**

**AN ACT**

**TO REPEAL AND REENACT TITLE 3, DIVISION 2, CHAPTER 4, ARTICLE 3 OF THE COMMONWEALTH CODE, TO DESIGNATE THE DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS AS THE PROGRAM ADMINISTERING AUTHORITY FOR THE RESPITE SERVICES PROGRAM; AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report No. 20-100; adopted 1/31/18.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, JANUARY 31, 2018;**  
*with amendments* in the form of H. B. No. 20-140, HD1 and transmitted to the  
**THE SENATE.**

The Bill was not referred to a Senate Committee.  
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, FEBRUARY 8, 2018;**  
*with amendments* in the form of H. B. No. 20-140, HD1, SD1.

**H. B. NO. 20-140, HD1, SD1, WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON  
FEBRUARY 9, 2018.**

The House of Representatives accepted the Senate amendments and passed H. B. No. 20-140, HD1, SD1, during its 3rd Day, Third Regular Session on February 16, 2018.

**THE BILL WAS FINALLY PASSED ON FEBRUARY 16, 2018.**

  
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Linda B. Muña, House Clerk



*Twentieth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

THIRD DAY, THIRD REGULAR SESSION

FEBRUARY 16, 2018

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**H. B. NO. 20-140, HD1, SD1**

AN ACT

**TO REPEAL AND REENACT TITLE 3, DIVISION 2, CHAPTER 4,  
ARTICLE 3 OF THE COMMONWEALTH CODE, TO DESIGNATE  
THE DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS  
AS THE PROGRAM ADMINISTERING AUTHORITY FOR THE  
RESPITE SERVICES PROGRAM; AND FOR OTHER PURPOSES.**

**Be it enacted by the Twentieth Northern Marianas Commonwealth  
Legislature:**

1           **Section 1. Findings and Purpose.** The Legislature finds that the Respite Services  
2 Program was established to develop and encourage statewide coordination of respite services  
3 and to work with community-based private nonprofit or for-profit agencies, public agencies,  
4 and interested citizen groups in the establishment of community lifespan respite services  
5 programs. Services that provide assistance at home to family members with developmental  
6 disabilities, with little or no help available.

7           The Legislature finds that respite care affords interim relief to primary caregivers  
8 from the demands of the ongoing care for an individual with developmental disabilities.  
9 Respite services such as but are not limited to: (1) recruiting and screening of paid and



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**HOUSE BILL 20-140, HD1, SD1**

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1 unpaid respite care providers. (2) identifying local training resources and organizing training  
2 opportunities for respite care providers. (3) matching families and caregivers with providers  
3 and other types of respite care. (4) providing vouchers, payment, subsidies, stipends, grants,  
4 and linking families and caregivers with payment resources. (5) identifying, coordinating,  
5 and developing community resources for respite services. (6) quality assurance and  
6 evaluation. (7) assisting families and caregivers to identify respite care needs and resources.  
7 (8) develop and operate a center-based respite day program.

8 The purpose of this Act is to designate the Department of Community and Cultural  
9 Affairs as the program administering authority for the respite services program.

10 **Section 2. Repealer and Reenactment.** Title 3, Division 2, Chapter 4, Article 3 of  
11 the Commonwealth Code is repealed and reenacted to read as follows:

12 **“§ 2431. Definitions and Scope.**

13 As used in this Act unless the context provides otherwise:

14 (a) “Caregiver” means an individual providing ongoing care to one who is  
15 unable to care for oneself.

16 (b) “Community respite services program” means a program that:

17 (1) operated by a community-based private nonprofit or for-profit  
18 agency or a public agency that provides respite services;

19 (2) receives funding through the Commonwealth Respite Services  
20 Program established under 3 CMC § 2432;

21 (3) serves an area in one or more of the three senatorial districts;

HOUSE BILL 20-140, HD1, SD1

1 (4) acts as a single local source for respite services information and  
2 referral; and

3 (5) facilitates access to local respite services.

4 (c) "DCCA" means the Department of Community and Cultural Affairs.

5 (d) "Non-categorical care" means care without regard to the age, income,  
6 ethnicity, race, nationality, special need or situation, or other status of the individual  
7 receiving care.

8 (e) "Provider" means an individual or agency selected by a family or caregiver  
9 to provide respite services to an individual with special needs.

10 (f) "Respite care" means the provision of short-term relief to primary  
11 caregivers from the demands of ongoing care for an individual with special needs.

12 (g) "Eligible recipients" means the primary caregivers of target dependents.  
13 The determination of eligibility for services is based on the needs of the family, with  
14 special attention given to the needs of the individual receiving care and the primary  
15 caregiver.

16 (h) "Target dependents" are children with developmental disabilities residing  
17 at home, or adults with developmental disabilities who reside with aging parents,  
18 children, and older individuals who are medically fragile, have developmental  
19 disabilities, dementia, and other conditions and who reside at home of primary  
20 caregiver such as adult children, grandchildren, or other caregiving relative.

21 (i) Respite services include but are not limited to:

22 (1) recruiting and screening of paid and unpaid respite care providers.

HOUSE BILL 20-140, HD1, SD1

1 (2) identifying local training resources and organizing training  
2 opportunities for respite care providers.

3 (3) matching families and caregivers with providers and other types of  
4 respite care.

5 (4) providing vouchers, payment, subsidies, stipends, grants, and  
6 linking families and caregivers with payment resources.

7 (5) identifying, coordinating, and developing community resources for  
8 respite services.

9 (6) quality assurance and evaluation.

10 (7) assisting families and caregivers to identify respite care needs and  
11 resources.

12 (8) develop and operate a center-based respite day program.

13 **§ 2432. Commonwealth Respite Services Program; Established.**

14 The DCCA shall establish the Commonwealth Respite Services Program  
15 (CRSP) to develop and encourage statewide coordination of respite services and to  
16 work with community-based private nonprofit or for-profit agencies, public agencies,  
17 and interested citizen groups in the establishment of community lifespan respite  
18 services programs. The Commonwealth Respite Services Program shall:

19 (a) provide policy and program development support, including, but not  
20 limited, to data collection and outcome measures;

21 (b) develop and distribute respite services information;

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**HOUSE BILL 20-140, HD1, SD1**

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1 (c) promote the exchange of information and coordination among government  
2 agencies, community respite services programs, agencies serving individuals unable  
3 to care for themselves, families, and respite care advocates to encourage efficient  
4 provision of respite services and reduce duplication of efforts;

5 (d) ensure statewide access to community respite services program;

6 (e) develop and operate a center-based respite day program;

7 and

8 (f) monitor and evaluate the center-based respite day program.

9 **§ 2433. Program; Administration.**

10 The DCCA, through the Commonwealth Respite Services Program, shall  
11 coordinate the establishment of community respite services programs.

12 **§ 2434. Services; Requirements.**

13 Respite services made available through the Commonwealth Respite Services  
14 Program shall:

15 (a) offer access to available respite service that are built on existing  
16 community support and services that are responsive to family and caregivers needs  
17 before families and caregivers are in crisis.

18 (b) be sensitive to the unique needs, strengths, and cultural values of an  
19 individual, family, or caregiver.

20 (c) be driven by community strengths, needs, and resources.

21 (d) use a variety of funds and resources, including, but not limited to,  
22 legislative appropriation, DCCA/CRSP funding, federal grants, CNMI grants,



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**HOUSE BILL 20-140, HD1, SD1**

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1 community donations, private and volunteer resources, in-kind, community  
2 investments, user fees, and others.

3 **§ 2435. Rule-making Authority.** The DCCA is hereby authorized to hire  
4 personnel and shall adopt and promulgate rules and regulations for the operation and  
5 administration of the Commonwealth Respite Services Program, including:

6 (a) procedures and guidelines for determining priorities, eligibility standards,  
7 eligibility criteria for the selection of volunteers and/or caregivers to participate in  
8 programs funded under the Commonwealth Respite Services Program.

9 **§ 2436. Authorized Expenditures of Appropriated Funds.**

10 The Commonwealth Respite Services Program, under the administering  
11 authority of the DCCA, shall use the funds appropriated to the program for the  
12 following purposes:

13 (a) the purposes provided in 3 CMC §§ 2432 and 2433.

14 (b) bulk of the funds appropriated shall be used for costs related to developing  
15 provider and/or volunteer recruitment, salaries and training, development and  
16 operations of a center-based respite day program, fringe benefits of the program staff,  
17 stipend and vouchers, information and referral, outreach, and other components of the  
18 provision of respite services.

19 (c) administrative costs for operating the Commonwealth Respite Services  
20 Program.

21 **§ 2437. Authorization for Appropriation.**

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**HOUSE BILL 20-140, HD1, SD1**

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1 Funding shall be made available through the annual budget appropriation  
2 process.

3 **§ 2438. Expenditure and Fiscal Authority.**

4 The DCCA shall be the expenditure authority over funds appropriated for the  
5 Commonwealth Respite Care Program. In addition to any other forms of assistance  
6 provided under this Act, the DCCA is authorized to set up a voucher and/or stipend  
7 program for the sole purpose of acquiring respite care services for eligible recipients.  
8 Administration of the respite voucher and/or stipend program, including, but not  
9 limited to, establishing financial eligibility criteria and limits of vouchers and/or  
10 stipend, shall be established by rules as prescribed by the DCCA in conjunction with  
11 the Secretary of Finance. The DCCA will act as fiscal intermediary for any or all  
12 funds made available for respite services through a voucher and/or stipend program.”

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

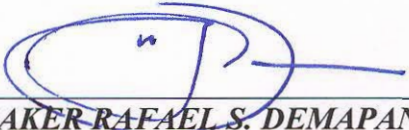
17 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be  
18 construed as affecting any existing right acquired under contract or acquired under statutes  
19 repealed or under any rule, regulation, or order adopted under the statutes. Repealers  
20 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
21 The enactment of the Act shall not have the effect of terminating, or in any way modifying,

HOUSE BILL 20-140, HD1, SD1

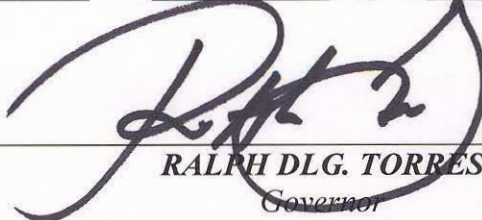
1 any liability, civil or criminal, which shall already be in existence on the date this Act  
2 becomes effective.

3 **Section 6. Effective Date.** This Act shall take effect upon its approval by the  
4 Governor, or its becoming law without such approval.

Attested to by:   
*Linda B. Muña, House Clerk*

Certified by:   
**SPEAKER RAFAEL S. DEMAPAN**  
*House of Representatives*  
*20<sup>th</sup> Northern Marianas Commonwealth Legislature*

Approved this 21<sup>st</sup> day of March, 2018

  
**RALPH DLG. TORRES**  
*Governor*  
*Commonwealth of the Northern Mariana Islands*