

FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH REGULAR SESSION, 2007

H. B. NO. 15-291

A BILL FOR AN ACT

To create the Second Marianas Political Status Commission; to authorize the appropriation of \$200,000 in advance funding for the administrative, operations and activities of the Commission; to authorize the appropriation of additional funds sufficient to carry out the work of the Commission; and for other purposes.

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

1 **Section 1. Short Title.** This Act shall be cited as the “Second Marianas Political
2 and Economic Status Commission Act of 2007.”

3 **Section 2. Findings.** The Legislature finds:

4 (a) That United Nations General Assembly Resolution 1541 permits free
5 association with, or full and equal integration into, another political state, but that
6 these options are subject to strict limitations to prohibit unlawful colonialism.

7 (b) That where a former Trust Territory is not a sovereign independent
8 state, and is not fully and equally integrated into another state, Principle VII of
9 Resolution 1541 requires:

10 (1) That the people of the former Trust Territory have full self-
11 government in internal matters, after a long oppressive times by tyrants
12 from invaders from Europe and Asia.

13 (2) That those people have the right at all times to modify the
14 political status of the former territory through democratic means.

15 (3) and that the terms of the political association be set down in an
16 agreement binding on both parties.

17 (c) That the people of the Northern Marianas Islands negotiated the
18 Covenant to Establish a Commonwealth of the Northern Mariana Islands In

1 Political Union With The United States of America (referred to in this Act as “the
2 Covenant”), and after long years of discriminatory and prejudice by the
3 administrating authority, the people approved it, in the exercise of their right to
4 self-determination as guaranteed by the United Nations and by international law.

5 (d) That on December 22, 1990, the United Nations Security Council
6 terminated the Trusteeship Agreement for the Northern Mariana Islands in United
7 Nations Security Council Resolution 683, thereby giving the Northern Mariana
8 Islands the status of a former trust territory and activating Principle VII of
9 Resolution 1541.

10 (e) That the people desire to reexamine whether continuing in a
11 “commonwealth” relationship with the United States pursuant to the terms of the
12 Covenant is in their best interest, or whether some other political status will better
13 enable them to fulfill their aspirations of full and meaningful self-government, as
14 stated and commented by the late U.S. Senator Jacob Javits of the State of New
15 York in the deliberations of the Covenant and as amended.

16 **Section 3. Purpose.** The purpose of this Act is to create a commission,
17 representative of the Northern Marianas Descent (NMD) people of the Northern Mariana
18 Islands, which will has broad authority to examine the provisions of the Covenant, the
19 actions of the United States in interpreting and implementing the Covenant, the right of
20 the Northern Marianas submerged lands and the right to secession, to examine alternative
21 political and economic status options for the Northern Mariana Islands, and to make one
22 or more recommendations to the people of the Northern Mariana Islands, for adoption in
23 a plebiscite, regarding a desirable future political status.

24 **Section 4. Second Marianas Political Status Commission.**

25 (a) There is hereby created the Second Marianas Political and Economic
26 Status Commission, referred to in this Act as “the Commission.”

27 (b) The Commission shall consist of eleven voting members and two non-
28 voting ex-officio members as follows:

1 (1) Two persons shall be domiciled on the island of Rota, one
2 whom shall be appointed by the Mayor of Rota, and one of whom shall be
3 appointed by resolution of the Rota Legislative Delegation to the
4 Commonwealth Legislature.

5 (2) Two persons who shall domiciled on the island of Tinian, one
6 of whom shall be appointed by the Mayor of Tinian, and one of whom
7 shall be appointed by resolution of the Tinian Legislative Delegation to
8 the Commonwealth Legislature.

9 (3) Two persons who shall be domiciled on the island of Saipan, in
10 consultation with the Mayor of the Northern Islands, and one of whom
11 shall be appointed by resolution of the Saipan and Northern Islands
12 Legislative Delegation to the Commonwealth Legislature.

13 (4) The Chairperson of the Governor’s Special Representatives to
14 the Covenant Section 902 consultations.

15 (5) Four persons to be appointed by the Governor, at least one of
16 whom shall be of Carolinian descent, at least one of whom shall be
17 female, and at least one of whom shall be a member of the business
18 community. Public interest groups and the public at large shall be invited
19 by the Governor to submit names for nominations of these appointments.

20 (6) The Speaker of the House of Representatives and the President
21 of the Senate shall serve as non-voting, ex-officio members of the
22 Commission.

23 (c) No person shall be appointed to, or shall serve on, the Commission
24 unless he or she is over twenty-one years of age, has never been convicted of a
25 felony, or if convicted, has been fully pardoned, is a United States Citizen of
26 Northern Marianas descent as defined in Article XII, Section 4 of the Constitution
27 and has been domiciled in the Northern Mariana Islands for at least five years at
28 the time of appointment.

1 (d) Appointment of all initial members shall be made by the persons or
2 bodies charged with the duties of making those appointments, as set out in Section
3 4 (b) of this Act, no later than sixty calendar days after the effective date of this
4 Act. The appointment of those persons who hold the official positions specified in
5 Section (b) (4) and (6) of this act shall be deemed automatic by operation of this
6 Act. The term of each appointment shall commence upon appointment, and shall
7 last until the work of the Commission is completed. A vacancy on the
8 Commission shall be filled in the same manner as the original appointment, no
9 later than sixty calendar days following the creation of the vacancy.

10 (e) The members of the Commission shall be compensated at the rate
11 established in 1 CMC section 8247 (a), as may be amended. However, elected
12 officials or employees of the Commonwealth government shall receive no
13 compensation for their work on the Commission in addition to their regular
14 salary. All members shall be entitled to reimbursement for reasonable, necessary
15 and actual expenses incurred by them in the course and scope of their work for the
16 Commission, in accordance with the rate then in effect of employees of the
17 executive branch of the Commonwealth government. The Chairperson of the
18 Commission shall certify to the Director of the Department of Finance all claims
19 for payment.

20 (f) The Commission shall be deemed to operational upon the appointment
21 of all its members, and it shall continue in existence until the Legislature, by joint
22 resolution, certifies that the work of the Commission has been fully completed
23 and dissolves it.

24 **Section 5. Organization of the Commission.**

25 (a) The members shall hold their first meeting no later than thirty calendar
26 days after the appointment of all the members. The Speaker of the House of
27 Representatives shall convene the first meeting and shall preside until such time a

1 Chairperson is elected. The Commission shall elect from among the members a
2 Chairperson and such other officers as it may require.

3 (b) The Commission may adopt such rules of procedure as it deems
4 necessary and appropriate to exercise its powers and duties under this Act.

5 (c) The Commission shall meet as least once a calendar month, or more
6 frequently as may be necessary to discharge its responsibilities under this Act.
7 Either the Chairperson or any three members may call a meeting. A majority of
8 the members shall constitute a quorum. All issues before the Commission shall be
9 decided by a simple majority of those present at a duly noticed meeting at which a
10 quorum is present.

11 (d) Notwithstanding any provisions of the Open Government Act, the
12 Commission shall have the right to meet in non-public executive sessions or to
13 hold public meetings, as it deems appropriate from time to time, to carry out its
14 powers and duties under this Act. A written record of all meetings shall be kept.
15 All public meetings shall be preceded by notice in at least one newspaper of local
16 circulation for at least one week prior to the meeting. The public shall be given a
17 meaningful and adequate opportunity to participate in all public meetings. The
18 minutes and other documents of the Commission pertaining to non-public
19 executive sessions shall remain secured at the designated repository stated in
20 Section 8 of this Act, and shall be made available only upon an official request
21 pursuant to the CNMI Open Government Act. Records of all public meetings
22 shall be made available for public inspection and copies shall be made available
23 upon the payment of a reasonable cost.

24 (e) Within sixty calendar days of the date upon which the Commission
25 becomes operational, it shall submit to the House of Representatives a proposed
26 budget for its operations and activities. The proposed budget shall account for all
27 funds then advanced to it and for all projected funding requirements for the life of
28 the Commission.

1 **Section 6. Powers and Duties of the Commission.** The Commission shall have
2 the following powers and duties:

3 (a) To reexamine the present political and economic status of the Northern
4 Mariana Islands as a “commonwealth” in political union with the United States,
5 and to examine the interpretations placed by the United States on the “Covenant
6 To Establish A Commonwealth of the Northern Mariana Islands In Political
7 Union With The United States Of America,” and the performance by the United
8 States of its obligations under that document.

9 (b) To make such studies as it may deem necessary concerning the present
10 and future political and economic status of the Northern Mariana Islands,
11 including without limitation complete independence from any political state,
12 independence in free association with the United States of America, or status as a
13 territory or state of the United States.

14 (c) To conduct political education with the Northern Mariana Islands and
15 to conduct polls or otherwise to ascertain the desires of the people of the Northern
16 Mariana Islands regarding their present and future political status.

17 (d) To make findings and recommendation regarding what political and
18 economic status is in the best interest of the people of the Northern Mariana
19 Islands and to produce draft treaties, agreements and laws reflecting any such
20 status.

21 (e) To employ secretaries, legal counsel and other consultants or staff as it
22 may require to fulfill its responsibilities. Upon request by the Chairperson of the
23 Commission, the Legislature shall make available to the Commission such
24 technical assistance as it may be able to provide. The laws of the Commonwealth
25 pertaining to procurement, personnel and employment shall not apply to the
26 Commission. No political test or qualification shall be permitted or given
27 consideration in the selection of employees or consultants, but all such
28 appointments shall be made on the basis of merit, skill and knowledge.

1 (f) To acquire, hold, operate, use and maintain any interest in personal or
2 real property, and to enter into and to perform such contracts, leases, or other
3 agreements or transactions as may be necessary and proper to the fulfillment of
4 the obligations of the Commission under this Act.

5 (g) To execute all instruments necessary and appropriate in the exercise of
6 any of its functions.

7 (h) To accept gifts or donations of services or of real or personal property
8 as may aid its activities in fulfilling its obligations under this Act.

9 (i) To submit periodic reports to the Legislature concerning its activities
10 pursuant to this Act, no less frequently than every three months it becomes
11 operational, and to submit a final report to the Legislature containing its final
12 findings and recommendations no later than twelve calendar months after the date
13 upon the Commission becomes operational. Before any such final report is
14 submitted to the Legislature, the Commission shall conduct public hearings on
15 each of the island of Saipan, Tinian, and Rota, and shall provide the public
16 adequate opportunity to comment upon a proposed draft report.

17 **Section 7. Adoption of the Commission's Final Report.**

18 (a) Upon the receipt by the Legislature of a final report of the Commission
19 containing its findings and recommendations, the Legislature shall certify by joint
20 resolution that the work of the Commission is complete and that the Commission
21 is dissolved.

22 (b) The presiding officers of the Legislature thereafter shall cause to be
23 transmitted to the Commonwealth Election Commission the final
24 recommendation or recommendations be submitted by the Board to the people of
25 the Northern Mariana Island for adoption in a plebiscite. Not earlier than four
26 calendar months, no later than six calendar months, after this transmittal, the
27 Commonwealth Election Commission

1 Board shall cause a special plebiscite on the recommendation or
2 recommendations of the Commission to be conducted, and shall certify the results
3 of the plebiscite to the presiding officers of the Legislature.

4 (c) If more than one recommended political status is on the ballot, and if
5 no one political status receives a majority of the votes cast in the plebiscite, a run-
6 off plebiscite shall be held forty-five calendar days from the date upon which the
7 result of the first plebiscite was certified to the Legislature between the two status
8 recommendations which received the highest number of votes.

9 **Section 8. Repositories for Commission Documents.** The Northern Marianas
10 College Library, the CNMI Museum, Legislative Bureau and the CNMI Recorder's
11 Office shall be the repositories for all public and non-public records, documents and
12 materials pertaining to the work of the Commission. The Commission shall transfer all of
13 its official public documents to the appropriate repositories mentioned above upon
14 completion of its work.

15 **Section 9. Financial and Audit Services.** The Public Auditor shall provide
16 financial audit services and continuous guidance to the Commission while it is in
17 existence, and shall commence an audit of the financial records of the Commission
18 immediately upon the completion of its work and dissolution. The audit report shall be
19 completed within ninety calendar days of the dissolution of the Commission, and shall
20 thereupon promptly be submitted to the presiding officers of the House and Senate of the
21 CNMI Legislature.

22 **Section 10. Appropriation and Authorization for Appropriation.** The sum of
23 \$200,000 is authorized to be appropriated by the Legislature in accordance with the
24 provisions of the "Planning and Budgeting Act" (1 CMC Section 7101 et seq.) as an
25 advance to the Commission to begin operations. The Legislature is authorized to
26 appropriate such additional funds as may be necessary to carry out the purposes of this
27 Act. The Secretary of Finance shall create a special account for the Commission, into
28 which all funds appropriated to it shall be deposited. The Secretary of Finance shall

1 release funds from this account upon the certification of the Chairperson and its of the
2 Commission, who shall have sole expenditure authority over all such funds. Funds
3 appropriated to the Commission may be spent without regard to fiscal year limitation.

4 **Section 11. Severability.** If any provisions of this Act or the application of any
5 such provision to any person or circumstance should be held invalid by a court of
6 competent jurisdiction, the remainder of this Act or the application of its provisions to
7 persons or circumstances other than those to which it is held invalid shall not be affected
8 thereby.

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

16 **Section 13. Effective Date.** This Act shall take effect upon its approval by the
17 Governor, or its becoming law without such approval.

Prefiled: 8/15/07

Date: August 16, 2007
/s/ Rep. Martin B. Ada
/s/ Rep. Ramon A. Tebuteb
/s/ Rep. Crispin M. Ogo
/s/ Rep. Oscar M. Babauta
/s/ Rep. Francisco S. Dela Cruz
/s/ Rep. Benjamin B. Seman

Introduced By: /s/ Rep. Stanley T. Torres
/s/ Rep. Arnold I. Palacios
/s/ Rep. Candido B. Taman
/s/ Rep. Edwin P. Aldan
/s/ Rep. Jacinta M. Kaipat
s/ Rep. Jesus SN. Lizama
/s/ Rep. Justo S. Quitugua

Reviewed for Legal Sufficiency by:

House Legal Counsel