

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2010

H. B. NO. 17-7

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A BILL FOR AN ACT

To create the Second Marianas Political Status Commission; to reexamine whether the people desire continuing in a “commonwealth” relationship with the United States pursuant to the terms of the original Covenant agreement; to determine if that continuation is in their best interest, or whether some other political status would better enable them to fulfill their aspirations of full and meaningful self-government; and for other purposes.

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

1           **Section 1. Short Title.** This Act may be cited as the “Second Marianas Political and  
2 Economic Status Commission Act of 2010”

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 these  
6 options are subject to strict limitations to prohibit unlawful colonialism.

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

10                               (1) That the people of the former Trust Territory have full self-  
11 government in internal matters.

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

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

1 (c) That the people of the Northern Marianas Islands negotiated the Covenant  
2 to Establish a Commonwealth of the Northern Mariana Islands In Political Union With The  
3 United States of America (referred to in this Act as “the Covenant”), and the people approved  
4 it, in the exercise of their right to self-determination as guaranteed by the United Nations and  
5 by international law.

6 (d) That on December 22, 1990, the United Nations Security Council  
7 terminated the Trusteeship Agreement for the Northern Mariana Islands in United Nations  
8 Security Council Resolution 683, thereby giving the Northern Mariana Islands the status of a  
9 former trust territory and activating Principle VII of 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 Covenant is  
12 in their best interest, or whether some other political status will better enable them to fulfill  
13 their aspirations of full and meaningful self-government, as stated by the late U.S. Senator  
14 Jacob Javits of the State of New York in the deliberations of the Covenant and as amended.

15 **Section 3. Purpose.** The purpose of this Act is to create a commission,  
16 representative of the people of the Northern Mariana Islands, which will have broad authority  
17 to examine the provisions of the Covenant, the actions of the United States in interpreting  
18 and implementing the Covenant, to examine alternative political and economic status options  
19 for the Northern Mariana Islands, and to make one or more recommendations regarding a  
20 desirable future political status to the Commonwealth Legislature for approval by the people  
21 of the Northern Mariana Islands, in a plebiscite under Commonwealth Law.

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

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

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

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

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

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

8 (4) Five persons to be appointed by the Governor, at least one of  
9 whom shall be of Carolinian descent, at least one of whom shall be female, and at least two  
10 of whom shall be a member of the business community. Public interest groups and the public  
11 at large shall be invited by the Governor to submit names for nominations of these  
12 appointments.

13 (5) The Speaker of the House of Representatives and the President of  
14 the Senate shall serve as non-voting, ex-officio members of the Commission.

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

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

28 (e) The members of the Commission shall be compensated at the rate  
29 established in 1 CMC section 8247 (a), as may be amended. However, elected officials or

1 employees of the Commonwealth government shall receive no compensation for their work  
2 on the Commission in addition to their regular salary. All members shall be entitled to  
3 reimbursement for reasonable, necessary and actual expenses incurred by them in the course  
4 and scope of their work for the Commission, in accordance with the rate then in effect of  
5 employees of the executive branch of the Commonwealth government. The Chairperson of  
6 the Commission shall certify to the Director of the Department of Finance all claims for  
7 payment.

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

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

12 (a) The members shall hold their first meeting no later than thirty calendar  
13 days after the appointment of all the members. The Speaker of the House of Representatives  
14 shall convene the first meeting and shall preside until such time a Chairperson is elected. The  
15 Commission shall elect from among the members a Chairperson and such other officers as it  
16 may require.

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

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

24 (d) The Commission shall have the right to meet in non-public executive  
25 sessions or to hold public meetings, as it deems appropriate from time to time, to carry out its  
26 powers and duties under this Act. A written record of all meetings shall be kept. All public  
27 meetings shall be preceded by notice in at least one newspaper of local circulation for at least  
28 one week prior to the meeting. The public shall be given a meaningful and adequate  
29 opportunity to participate in all public meetings. The minutes and other documents of the

1 Commission pertaining to non-public executive sessions shall remain secured at the  
2 designated repository stated in Section 8 of this Act, and shall be made available only upon  
3 an official request pursuant to the CNMI Open Government Act. Records of all public  
4 meetings shall be made available for public inspection and copies shall be made available  
5 upon the payment of a reasonable cost.

6 (e) Within thirty calendar days of the date upon which the Commission  
7 becomes operational, it shall submit to the House of Representatives a proposed budget for  
8 its operations and activities. The proposed budget shall account for all funds then advanced  
9 to it and for all projected funding requirements for the life of the Commission.

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

12 (a) To reexamine the present political and economic status of the Northern  
13 Mariana Islands as a “commonwealth” of the United States, and to examine the  
14 interpretations placed by the United States on the “Covenant To Establish A Commonwealth  
15 of the Northern Mariana Islands In Political Union With The United States Of America,”  
16 and the performance by the United States and the Northern Marianas Islands of their  
17 respective obligations under that document.

18 (b) To make such studies as it may deem necessary concerning the present and  
19 future political and economic status of the Northern Mariana Islands, including but not  
20 limited to, complete independence from any political state, independence in free association  
21 with the United States of America, maintaining the status quo, or status as a territory or state  
22 of the United States.

23 (c) To conduct political education with the Northern Mariana Islands and to  
24 conduct polls or otherwise to ascertain the desires of the citizens of the Northern Mariana  
25 Islands regarding their present and future political status.

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

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

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

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

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

17 (i) To submit periodic reports to the Legislature concerning its activities  
18 pursuant to this Act, no less frequently than every three months once it becomes operational,  
19 and to submit a final report to the Legislature containing its final findings and  
20 recommendations no later than eighteen (18)calendar months after the date upon the  
21 Commission becomes operational. Before any such final report is submitted to the  
22 Legislature, the Commission shall conduct public hearings on each of the islands of Saipan,  
23 Tinian, and Rota, and shall provide the public adequate opportunity to comment upon a  
24 proposed draft report.

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

26 (a) Upon the receipt by the Legislature of a final report of the Commission  
27 containing its findings and recommendations, the Legislature shall have 30 days to certify by  
28 joint resolution that the work of the Commission is complete and that the Commission is  
29 dissolved or to return the final report to the Commission requesting clarification and/or

1 further examination of the present political and economic status of the Northern Mariana  
2 Islands as specified in detail by the Legislature. If the Legislature fails to act within the 30  
3 days time period, then the final report will be deemed a certified and transmitted to the  
4 Commonwealth Election Commission pursuant to section 7(b).

5 (b) Unless the final report recommends that no action be taken, the  
6 presiding officers of the Legislature thereafter shall cause to be transmitted to the  
7 Commonwealth Election Commission the final recommendation or recommendations to  
8 be submitted by the Board to the people of the Northern Mariana Islands for adoption in a  
9 plebiscite. Not earlier than four (4) calendar months, nor later than six (6) calendar  
10 months, after this transmittal, the Commonwealth Election Commission  
11 Board shall cause a special plebiscite on the recommendation or recommendations of the  
12 Commission to be conducted, and shall certify the results of the plebiscite to the presiding  
13 officers of the Legislature.

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

19 **Section 8. Repositories for Commission Documents.** The Northern Marianas  
20 Archives at the Northern Marianas College shall be the repository for all public records and  
21 material pertaining to the work of the Commission. All non-public records and documents of  
22 the Commission shall be transferred by the Commission to the Director of the Legislative  
23 Bureau for secured retention in accordance with the confidentiality provisions of Section 4(d)  
24 of this Act. The Commission shall transfer all of its official public documents to the  
25 appropriate repository upon completion of its work.

26 **Section 9. Financial and Audit Services.** The Public Auditor shall provide financial  
27 audit services to the Commission while it is in existence, and shall commence an audit of the  
28 financial records of the Commission immediately upon the completion of its work and  
29 dissolution. The audit report shall be completed within ninety calendar days of the

1 dissolution of the Commission, and shall thereupon promptly be submitted to the presiding  
2 officers of the Legislature.

3 **Section 10. Appropriation and Authorization for Appropriation.**

4 (a) The sum of \$50,000 is authorized to be appropriated by the Legislature in accordance  
5 with the provisions of the "Planning and Budgeting Act" (1 CMC Section 7101 et seq.) as an  
6 advance to the Commission to begin operations. The Legislature is authorized to appropriate  
7 such additional funds as may be necessary to carry out the purposes of this Act;

8 (b) The Commission shall provide a budget detailing the proposed expenditure of the initial  
9 \$50,000 appropriation to the Legislature no later than 60 days after the appointment of all  
10 members;

11 (c) The Commission shall make quarterly reports to the Legislature regarding the actual  
12 expenditure for all funds appropriated to the Commission;

13 (d) The Secretary of Finance shall create a special account for the Commission, into which  
14 all funds appropriated to it shall be deposited. The Secretary of Finance shall release funds  
15 from this account upon the certification of the Chairperson of the Commission, who shall  
16 have sole expenditure authority over all such funds; and

17 (e) Funds appropriated to the Commission may be spent without regard to fiscal year  
18 limitation.

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

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



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

Date: 1/28/2010  
*Prefiled 1/22/10*

Introduced By: *Stanley T. McGinnis Torres*  
Rep. Stanley T. McGinnis Torres

Reviewed for Legal Sufficiency by:  
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House Legal Counsel