

**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2023

H. B. 23- 4

A BILL FOR AN ACT

To establish a process for the delivery of a State of the
Commonwealth Address to the Legislature by the Governor.

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

1 **Section 1. Findings.** Article II, Section 9 (b) of the Constitution of the
2 Commonwealth of Northern Mariana Islands provides: “The Governor shall report
3 at least annually to the legislature regarding affairs of the Commonwealth and new
4 measures that are necessary or desirable. The report shall include a comprehensive
5 annual financial report prepared in accordance with generally accepted accounting
6 principles.” Similarly, Article II, Section 3 of the United States federal Constitution,
7 provides that the President “shall from time to time give to the Congress
8 information of the State of the Union, and recommend to their Consideration such
9 measures as he shall judge necessary and expedient.”

10 Adopting the federal phrase “State of the Union” but changing “Union” to
11 “Commonwealth,” our government describes the annual report of the Governor as
12 a “State of the Commonwealth Address” or SOCA that is delivered expressly to the

1 Legislature. Traditionally, the governor may deliver a SOCA in writing or as a
2 recorded or live speech. A mere written SOCA could be delivered by hand or
3 electronic means for the Legislature to read at the convenience of the members. But
4 a live SOCA raises unique concerns that require planning and joint decision-
5 making. Presently, other than establishing an annual requirement, the CNMI
6 Constitution leaves undecided the details of how, when and where the annual
7 SOCA shall be delivered to the Legislature.

8 Ideally, a live SOCA would need to be delivered in the physical presence of
9 the Legislature in order to be effective—although the SOCA also could be
10 simultaneously broadcast on TV or radio or streamed on the internet for the benefit
11 of the public. Historically, the delivery of the SOCA as a live speech in the presence
12 of the Legislature has been preceded by a formal invitation by the Legislature to
13 the Governor through a joint resolution of the House and Senate. The invitation for
14 a live SOCA has traditionally identified mutually acceptable meeting time and
15 place that was convenient for all branches of government.

16 As a practical and logistical matter, the timing of the delivery of a live
17 SOCA requires careful consideration of several factors, including availability of all
18 branches of government, convenience of access and related political concerns such
19 as an impending election. The location of a live SOCA also must be able to
20 accommodate all members of the Legislature and any members of the Executive
21 and Judicial branches that may wish to attend, along with an opportunity for the

1 public to attend or at least hear the SOCA. Given these competing interests and the
2 absence of a formalized process to schedule a SOCA, particularly a live SOCA, the
3 Legislature finds that clear legislation is needed to set out some of the basic steps
4 in scheduling the annual delivery of a SOCA to the Legislature. In order to address
5 this need to establish a straightforward process for scheduling a SOCA in place of
6 traditional methods that can be inconsistently applied, this legislation creates a
7 statutory, yet flexible, process for scheduling the annual delivery of a SOCA,
8 particularly when the SOCA is delivered live.

9 **Section 2. Amendment.** Title 1 (Government), section 2053, of the
10 Commonwealth Code is amended to read as follows:

11 **“§ 2053. Office of the Governor: Duties.**

12 (a) The Governor has the powers and duties as provided in the
13 Commonwealth Constitution or as provided by law. In addition, the
14 Governor shall receive official visitors and conduct official ceremonies of
15 the Commonwealth. These duties and responsibilities may be delegated to
16 the Lieutenant Governor or to elected or appointed officials of the
17 Commonwealth.

18 (b) Consistent with Article II, section 9, of the CNMI Constitution,
19 the Governor shall deliver an annual State of the Commonwealth Address
20 (SOCA) to the Legislature. The Governor shall deliver the SOCA not later
21 than March of any calendar year, and may present the SOCA live, recorded

1 or in writing. A written or recorded SOCA shall be transmitted by the
2 Governor to the President of the Senate and Speaker of the House for
3 delivery to the members. Prior to any live SOCA, the Governor shall give
4 written notice of a proposed date and time to both the President of the Senate
5 and the Speaker of the House no later than 45 days prior to the proposed
6 date in order for the Legislature to consider a joint resolution setting out the
7 time and place for the SOCA. If such a joint resolution fails to pass in both
8 houses of the Legislature, the Governor shall submit only a written or
9 recorded SOCA.”

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

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


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

Prefiled: 1/13/2023

Date: 1/13/2023

Introduced by:  _____
Rep. Ralph N. Yumul

Reviewed for Legal Sufficiency by:

 1-12-23
House Legal Counsel