

Calendar
9/15/2023

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

September 15, 2023

Spa. Regular Session, 2023

H. B. 23- 76

A BILL FOR AN ACT

To require submission of proposed Court rule amendments in a format that shows the changes; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature and the Supreme Court
2 share authority to establish court-related rules; however, the Legislature ultimately
3 controls oversight of rule-making authority. See CNMI Const. art. II, § 1 (“The
4 legislative power of the Commonwealth shall extend to all rightful subjects of
5 legislation...”); CNMI Const. art. IV, § 9 (establishing Supreme Court rule-making
6 authority, subject to legislative review within 60 days of submission); 1 CMC §
7 3403(c) (recognizing Supreme Court rule-making process but reserving legislative
8 authority to annul or amend adopted rules by passage of a statute); Analysis of the
9 Constitution of the CNMI (1976), p. 102 (“This section [authorizing Supreme Court
10 rule-making authority] does not limit the legislature’s authority to enact laws on
11 this subject.”).

1 In order for the Legislature to conduct a meaningful review of proposed
2 Supreme Court rules within the 60-day window, the proposed rules should be
3 submitted in a format that makes the proposed rule changes clear to the Legislature.
4 In recent submissions, despite the Legislature's requests to the contrary, the
5 Supreme Court has submitted finalized versions of proposed rules without any
6 markings (e.g., strike-through and underline) that identify what changes are being
7 requested for approval. Such documents make it difficult for the Legislature to
8 review the new rules and meaningfully discuss the policy implications of any
9 changes in the rules.

10 This Act will require the Supreme Court to submit proposed rules to the
11 Legislature in a format that identifies the specific changes being requested to
12 previously approved rules. The failure to submit proposed rules in a proper format
13 may serve as a basis for legislative disapproval of the proposed rules.

14 **Section 2. Amendment.** 1 CMC § 3403(c) is hereby amended to read as
15 follows:

16 “§ 3403. Rule-Making Authority.

17 (a) [no change]

18 (b) [no change]

19 (c) All proposed rules shall be submitted promptly by the Chief Justice to
20 the President of the Senate and the Speaker of the House of Representatives, and
21 shall become effective 60 days following submission unless disapproved by a

1 majority of the members of either house of the legislature. Proposed rules shall be
2 submitted in a format, such as strikethroughs for deleted text and underlines for
3 inserted text, that makes immediately apparent any changes to previously approved
4 rules or the addition of new rules. However, nothing in this section shall limit the
5 authority of the legislature to enact laws regarding the subjects referred to in this
6 section, and any rule may be annulled or amended by a duly enacted law.

7 (d) [no change]"

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

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

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

Prefiled: 9/15/2023

Date: _____

Introduced by: _____

Rep. Marissa R. Flores

Reviewed for Legal Sufficiency by:

J. M. [Signature] 9-14-23
House Legal Counsel

[Handwritten signatures and initials, including 'ALDAN, VINCENT S.']