



THE SENATE
Twentieth Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

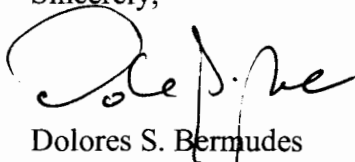
October 25, 2017

The Honorable Rafael S. Demapan
Speaker
House of Representatives
20th Northern Marianas Commonwealth Legislature
Saipan, MP 96950

Dear Speaker Demapan:

I have the honor to transmit for House action S.B. No. 20-38 entitled, "To present to the voters in the Commonwealth in the next general election the question: "Shall there be a constitutional convention to propose amendments to the Constitution?." The Senate passed on First and Final Reading S.B. No. 20-38 by the unanimous vote, a quorum being present in its 7th Day, Second Regular Session on October 25, 2017.

Sincerely,


Dolores S. Bermudes
Senate Clerk

Attachment

Transmitted to HOUSE:

Received by: 

Date: 10/27/17

Time: 9:55 am



The Senate
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500129
SAIPAN, MP 96950

STANDING COMMITTEE REPORT NO. 20-58
Date: October 20, 2017
RE: Senate Bill 20-38

S Adopted 10/20/17

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

Dear Mr. President:

Your Committee on Judiciary, Government and Law, to which was referred Senate Bill 20-38, entitled:

To present to the voters in the Commonwealth in the next general election the question:
"Shall there be a constitutional convention to propose amendments to the Constitution?"

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion and deliberation, your Committee recommends the passage of Senate Bill 20-38 in its current form.

II. ANALYSIS:

A) Purpose:

The purpose of Senate Bill 20-38 is to present to the voters of the CNMI the question of whether the CNMI should convene another constitutional convention during the next general election.

B) Committee Findings:

Your Committee finds that the first constitutional convention delegation worked tirelessly in drafting the Northern Mariana Islands Constitution that was adopted on December 5, 1976 and ratified by the voters of the CNMI on March 6, 1977 and became effective January 9, 1978. Since January 1978, the second constitutional convention proposed 44 amendments ratified by the CNMI voters on November 3, 1978, and the nineteen proposed amendments by the third constitutional convention failed to garner the approval of the voters in 1995.

Your Committee further finds that constitutional amendments may be proposed through a constitutional convention, popular initiative, or legislative initiative. Additionally, Article XVIII, Section 2(a) of the Commonwealth Constitution states that “the legislature, by the affirmative vote of a majority of the members of each house, may submit to the voters the question, ‘Shall there be a constitutional convention to propose amendments to the Constitution?’” Once passed by both houses of the legislature, the governor may not veto this Act and the legislature shall submit the question to the Commonwealth Election Commission to be placed on the ballot in the next general election.

Your Committee further finds that the Commonwealth currently faces an array of matters facing the future of our people and our islands that must be addressed. It is this reason that your Committee supports Senate Bill 20-38 to give the people of the Commonwealth an opportunity to decide if now is the time to revisit the provisions of the Commonwealth Constitution.

C) Legislative History:

Senator Sixto K. Igisomar introduced Senate Bill 20-38 on May 4, 2017 and the bill was subsequently referred to the Senate Standing Committee on Judiciary, Government, and Law for disposition.

D) Public Hearing and Comment:

No public hearing was scheduled for Senate Bill 20-38.

Your Committee received the attached comment(s) by the following:

- Office of the Attorney General, letter dated May 17, 2017
- Mayor of Rota, letter dated May 22, 2017

E) Estimated Fiscal Cost:

The enactment of Senate Bill 20-38 will result in additional costs to the CNMI government through the public education conducted by the Commonwealth Election Commission in an effort to inform the community about the question being asked on the ballot.

F) Summary of Committee Amendments:

No amendments were made by the Committee as per the comment provided by the Office of the Attorney General that the proposed legislation is legally and constitutionally sufficient.

G) Section by Section Analysis:

Section 2 of Senate Bill 20-38 states the provisions stated in Article XVIII, Section 2(a) that the Commonwealth Board of Election shall place to the CMNI voters to decide if there should be another constitutional convention to propose amendments to the Commonwealth Constitution.

Section 3 of Senate Bill 20-38 states the official procedure of adoption and transmittal by the legislature to the Governor and Commonwealth Board of Election.

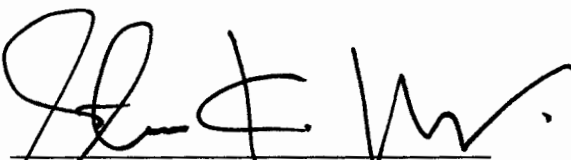
H) Legal Analysis/Issues:

Senate Bill 20-38 is consistent with the laws and constitution of the Commonwealth of the Northern Mariana Islands.

III. CONCLUSION:

Your Committee believes that it necessary to have another constitutional convention to propose amendments to the CNMI Constitution that address various very important and critical matters facing our islands. It is for this reason that your Committee strongly supports the intent and passage of Senate Bill 20-38 in its current form.

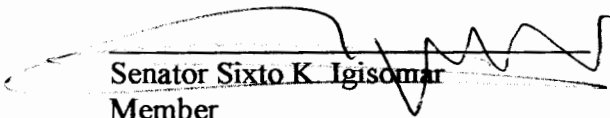
Respectfully submitted,



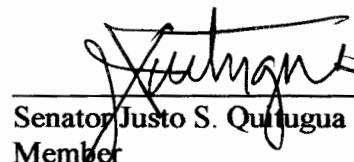
Senator Steve K. Mesngon
Chairperson




Senator Francisco Q. Cruz
Vice-Chairperson



Senator Sixto K. Igisomar
Member

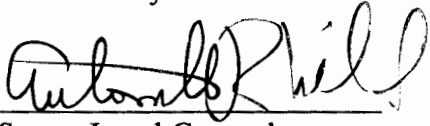


Senator Justo S. Quiugua
Member



Senator Teresita A. Santos
Member

Reviewed by:



Senate Legal Counsel

A BILL FOR AN ACT

To present to the voters in the Commonwealth in the next general election the question: "Shall there be a constitutional convention to propose amendments to the Constitution?"

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

1 **Section 1. Findings and Purpose.** The Legislature finds that the Northern
2 Mariana Islands Constitution was adopted by the first constitutional convention
3 delegation on December 5, 1976, and ratified by Commonwealth voters on March
4 6, 1977 (6,554 in favor of ratification and 258 opposed; fifty-eight percent of
5 voters cast ballots). The Constitution became effective on January 9, 1978, and
6 since its adoption, it has been amended over 50 times.

7 Historically, after the adoption of the Constitution by the first
8 constitutional convention in 1978, two subsequent constitutional conventions
9 convened. On November 3, 1985, voters ratified all 44 amendments proposed by
10 the second constitutional convention that was held in the same year. All 19
11 amendments proposed by a third constitutional convention that was held in 1995
12 failed to win the voters' approval. An amendment proposed by constitutional
13 convention becomes effective if approved by a majority of the votes cast and at
14 least two-thirds of the votes cast in each of two senatorial districts.

15 As provided by Article XVIII, constitutional amendments may be
16 proposed by 1) constitutional convention, 2) popular initiative, or 3) legislative
17 initiative. As set forth herein, the submission of the question to the voters in 2012
18 is constitutionally mandated. Article XVIII section 2 (a) of the Constitution
19 provides, "[t]he legislature, by the affirmative vote of a majority of the members

1 of each house, may submit to the voters the question, ‘Shall there be a
2 constitutional convention to propose amendments to the Constitution?’”
3 Furthermore, pursuant to the Constitution, this question must be submitted to the
4 voters by the legislature, or the governor, in the event the legislature fails to act,
5 “at a regular general election no later than ten years after the question was last
6 submitted and as provided by law.” *See* CNMI Constitution, Article XVIII,
7 Section 2(a).

8 The instant legislation as indicated above, aims to present the question of
9 whether to convene another constitutional convention to the voters of the
10 Commonwealth during the next general election. It does not advocate nor
11 recommend a position relative to the question.

12 Based on the foregoing, because the submission of the question to the
13 voters is constitutionally mandated, and because the issue was last presented to
14 voters in 2005 where there were 7394 votes in favor of convening the
15 constitutional convention and 5156 votes against, the Legislature finds that it is
16 now necessary to present the question once again. If done by the Legislature, a
17 submission of the question to the voters is not subject to the Governor’s veto but
18 requires two-thirds of the votes cast for passage at the next general election
19 pursuant to pursuant to Article XVIII, Section 2(a) and (c) of the CNMI
20 Constitution, respectively.

21 **Section 2. Constitutional Convention.** Pursuant to Article XVIII section
22 2 (a), in the 2018 regular general election, the Commonwealth Board of Election
23 shall place before the people of the Commonwealth for vote on the ballot, together
24 with the Findings and Purpose section herein, the following question:

25 “Shall there be a constitutional convention to propose amendments to the
26 Constitution?”

27 **Section 3. Adoption and Transmittal.** The Speaker of the House and the
28 President of the Senate shall certify, and the Clerks of the House and Senate shall
29 attest to the passage of this House Bill. The House Clerk shall then cause the Bill

1 to be transmitted to the Governor and the Board of Elections whereupon the
2 Board shall place the question presented, with the Findings and Purpose section
3 herein, before the people of the Commonwealth for vote in the next regular
4 general election.

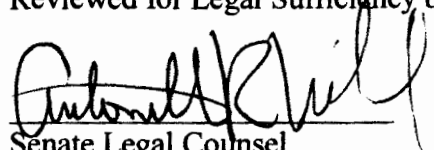
5 **Section 4. Severability.** If any provisions of this Act or the application
6 of any such provision to any person or circumstance should be held invalid by a
7 court of competent jurisdiction, the remainder of this Act or the application of its
8 provisions to persons or circumstances other than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

10 **Section 5. Savings Clause.** This Act and any repealer contained herein
11 shall not be construed as affecting any existing right acquired under contract or
12 acquired under statutes repealed or under any rule, regulation, or order adopted
13 under the statutes. Repealers contained in this Act shall not affect any proceeding
14 instituted under or pursuant to prior law. The enactment of the Act shall not have
15 the effect of terminating, or in any way modifying, any liability, civil or criminal,
16 which shall already be in existence on the date this Act becomes effective.

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

Date: 05/04/2017

Introduced By: 
Senator Sixto K. Igisomar

Reviewed for Legal Sufficiency by:

Senate Legal Counsel



**Commonwealth of the Northern Mariana Islands
Office of the Attorney General**

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

EDWARD MANIBUSAN
Attorney General

LILLIAN A. TENORIO
Deputy Attorney General

May 17, 2017

OAGSB: 2017-17

Hon. Steve K. Mesngon
Chairperson, Committee on Judiciary, Government and Law
Senate
20th Northern Mariana Islands Legislature
Commonwealth Legislature
Saipan, MP 96950

Re: Senate Bill 20-38: "To present to the voters in the Commonwealth in the next general election the question: 'Shall there be a constitutional convention to propose amendments to the Constitution?'"

Dear Chairperson Mesngon:

Thank you for requesting the comments of the Office of the Attorney General on Senate Bill 20-38: "To present to the voters in the Commonwealth in the next general election the question: 'Shall there be a constitutional convention to propose amendments to the Constitution?'" (the "Bill"). The Bill is legally and constitutionally sufficient.

Sincerely,

EDWARD MANIBUSAN
Attorney General

cc: Deputy Attorney General
All Members, The Senate

RECEIVED
5/18/17
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Civil Division
Telephone: (670) 237-7500
Facsimile: (670) 664-2349

Criminal Division
Telephone: (670) 237-7600
Facsimile: (670) 234-7016

Attorney General's Investigative
Telephone: (670) 237-7625
Facsimile: (670) 234-7016

Division Domestic Violence Intervention Center
Telephone: (670) 664-4583
Facsimile: (670) 664-4589



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE MAYOR

THE HONORABLE EFRAIM M. ATALIG

Mayor of the Municipality of Rota

Mailing Address: Post Office Box 537 Rota, MP 96951

Phone: 670.532.9451/9452 * Fax No.: 670.532.9454 * Email: mayorefraimatalig@gmail.com



May 22, 2017

Senator Steve K Mesngon
Chairman, Committee on Judiciary, Government
& Law
Twentieth Northern Marianas Comm. Legislature
P.O. Box 500128, Saipan MP 96950


REF: S.B. 20-38

Dear Mr. Chairman:

Inasmuch as I feel that in the CNMI, public laws and even constitutional provisions are easily repealed or amended, which some people have interpreted as instability, I support giving our people the opportunity to be part of the law making process. The more we involve our people in this process, the closer our Commonwealth in becoming a direct democracy, which is an ideal form of government. Thus, I support the passage of this bill.

Mr. Chairman, thank you for the opportunity to comment on this bill.

Sincerely,


Efraim M Atalig