



# COMMITTEE ON JUDICIARY AND GOVERNMENTAL OPERATIONS

NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Honorable Jesus P. Mafnas Memorial Building

P. O. BOX 500586

SAIPAN, MP 96950

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**STANDING COMMITTEE REPORT NO. 19- 118**  
**DATE: JUNE 13, 2016**  
**RE: H.B. NO. 19-01**

The Honorable Rafael S. Demapan  
Speaker of the House of Representatives  
Nineteenth Northern Marianas  
Commonwealth Legislature  
Capitol Hill  
Saipan, MP 96950

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which House Bill No. 19-01 was referred, 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 reasonable discussion and deliberation on the bill, the Committee recommends that the Full Membership of the House decide on House Bill No. 19-01.

HOUSE CLERK'S OFFICE  
RECEIVED BY *[Signature]*  
DATE *6/21/16* TIME *4:17p*

## II. ANALYSIS:

### A. Purpose:

The purpose of House Bill No. 19-01 is 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?"

### B. Committee Findings:

Your Committee finds that since the adoption of the Northern Mariana Islands Constitution on January 9, 1978, it has been amended numerous times. The Committee finds that the CNMI Constitution, Article XVIII-Constitutional Amendments, Section 2 reads:

#### **"Section 2: Constitutional Convention.**

- a) 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?". The legislature, or the governor in the event the legislature fails to act, shall submit this question to the voters at a regular general election no later than ten years after the question was last submitted and as provided by law. An act of the legislature under this subsection may not be vetoed by the governor."

As provided by Article XVIII of the NMI Constitution, constitutional amendments may be proposed by constitutional convention, popular initiative, or legislative initiative. After the initial adoption of the NMI Constitution during the first constitutional convention, two more constitutional conventions have convened. During the second constitutional convention (1985), voters ratified 44 amendments, and during the third constitutional convention (1995), all 21 constitutional amendments proposed by the delegates were unsuccessful in garnering the voters' approval. In 2005, the same question was posed as to whether another constitutional convention would be necessary. The results yielded 7,394 votes in favor of convening another constitutional convention and 5,156 voted against it.

Your Committee finds that that once a constitutional convention has been called, the convention becomes its own authority and it cannot be limited. They can act on their own and act freely. Our current form of government can be changed and replaced by a new form of government. In addition, having a constitutional convention has the possibility of not having the proposed constitutional amendments garner enough votes to approve such amendments: time consuming and costly.

Your Committee has been left in an indeterminate state; therefore the Committee recommends that the Full Membership of the House decide upon House Bill No. 19-01.

C. Public Hearing:

The House Standing Committee on Judiciary and Governmental Operations conducted two Public Hearings on House Bill No. 19-01 on the First and Second Senatorial Districts. The first public hearing was conducted on Wednesday, April 8<sup>th</sup>, 2015 at 5:00 PM at the Rota Court House, Sinapalu, Rota. The following witnesses were requested to be present and provide written comments:

- 1) The Honorable Efraim M. Atalig, Mayor of Rota
- 2) Chairman and Members of the Rota Municipal Council
- 3) Resident Directors of Rota
- 4) Members of the General Public

The second public hearing was conducted on Wednesday, June 3<sup>rd</sup>, 2015 at 6:00 PM at the Tinian Court House, Tinian. The following witnesses were requested to be present and provide written comments:

- 1) The Honorable Joey P. San Nicolas, Mayor of Tinian
- 2) Chairman and Members of the Tinian Municipal Council
- 3) Resident Directors of Tinian
- 4) Members of the General Public

D. Comments.

Comments were received from:

- Herman Deleon Guerrero (full support of the Legislation)

E. Legislative History:

House Bill No. 19-01 was introduced by Rep. Felicidad T. Ogumoro on February 06, 2015 to the full body of the House and was subsequently referred to House Standing Committee on Judiciary and Governmental Operations for disposition.

A similar legislation was introduced in the 18<sup>th</sup> Northern Marianas Commonwealth Legislature. It was passed by the House and was defeated by the Senate.

Another similar legislation was introduced in the 17<sup>th</sup> Northern Marianas Commonwealth Legislature. The legislation remained in Committee and was never passed by the House.

F. Cost Benefit:

The enactment of House Bill No. 19-01 will result in future costs to the CNMI Government.

**III. CONCLUSION:**

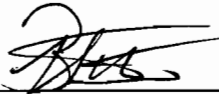
The Committee recommends that the full membership of the House decide on House Bill No. 19-01.

Respectfully submitted,



Rep. Glenn L. Maratita  
Chairman

Rep. Francis S. Taimanao  
Vice Chairman



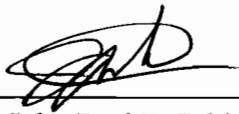
Rep. Blas Jonathan "BJ" T. Attao  
Member



Rep. Anthony T. Benavente  
Member

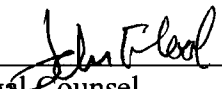
Rep. Joseph P. Deleon Guerrero  
Member

Rep. Joseph Lee Pan T. Guerrero  
Member



Rep. John Paul P. Sablan  
Member

Reviewed By:

  
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House Legal Counsel

Attachment:

Email dated March 4, 2015 from Mr. Herman Deleon Guerrero



valyn ulloa <valynulloa@gmail.com>

**Fw: House Bill 19-01**

1 message

**Glen Maratita** <gflomaratita@yahoo.com>  
Reply-To: Glen Maratita <gflomaratita@yahoo.com>  
To: Valyn Ulloa <valynulloa@gmail.com>

Mon, Mar 9, 2015 at 1:32 PM

Please print and file

On Monday, March 9, 2015 1:31 PM, Glen Maratita <gflomaratita@yahoo.com> wrote:

Good Afternoon all,

Attached is a copy of H. DLG's comment re; HB19-01

On Wednesday, March 4, 2015 2:26 PM, Herman Deleon Guerrero <hrcnmi@yahoo.com> wrote:

Obviously, the test of time required by the Constitution to convene another convention has been met. Since the last constitutional convention up

to the present time, there have been many issues confronting the CNMI...just to name one profound issue that will gravely affect the NMDs lives

is the question on the Federal Court decision to allow people of non NMDs to vote on matters relating to land ownership. This and many other

matters need to be addressed.

I support the passage of H.B. 19-1

Thank you for allowing me to comment. I will pass on this comment to the new president of the NMDC, Mr. Jack Sablan. I remain as advisor to the NMDC

Thank You

HR Guerrero

**Nineteenth Northern Marianas Commonwealth Legislature**

**IN THE HOUSE OF REPRESENTATIVES**

**FEBRUARY 6, 2015**

**First Regular Session, 2015**

**H. B. 19-1**

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**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 NINETEENTH 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

1 convention becomes effective if approved by a majority of the votes cast and at  
2 least two-thirds of the votes cast in each of two senatorial districts.

3 As provided by Article XVIII, constitutional amendments may be  
4 proposed by 1) constitutional convention, 2) popular initiative, or 3) legislative  
5 initiative. As set forth herein, the submission of the question to the voters in 2012  
6 is constitutionally mandated. Article XVIII section 2 (a) of the Constitution  
7 provides, “[t]he legislature, by the affirmative vote of a majority of the members  
8 of each house, may submit to the voters the question, ‘Shall there be a  
9 constitutional convention to propose amendments to the Constitution?’”  
10 Furthermore, pursuant to the Constitution, this question must be submitted to the  
11 voters by the legislature, or the governor, in the event the legislature fails to act,  
12 “at a regular general election no later than ten years after the question was last  
13 submitted and as provided by law.”<sup>1</sup>

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

18 Based on the foregoing, because the submission of the question to the  
19 voters is constitutionally mandated, and because the issue was last presented to  
20 voters in 2005 where there were 7394 votes in favor of convening the

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<sup>1</sup> This submission, if done by the Legislature is not subject to the Governor's veto. CNMI Constitution, Article XVIII section 2 (a).

1 constitutional convention and 5156 votes against, the Legislature finds that it is  
2 now necessary to present the question once again.<sup>2</sup>

3       **Section 2. Mandate.** Pursuant to Article XVIII section 2 (a), in the next  
4 regular general election, the Commonwealth Board of Election shall place before  
5 the people of the Commonwealth for vote on the ballot, together with the Findings  
6 and Purpose section herein, the following question:

7           “Shall there be a constitutional convention to propose amendments to the  
8 Constitution?”

9       **Section 3. Adoption and Transmittal.** The Speaker of the House and the  
10 President of the Senate shall certify, and the Clerks of the House and Senate shall  
11 attest to the passage of this House Bill. The House Clerk shall then cause the Bill  
12 to be transmitted to the Governor and the Board of Elections whereupon the  
13 Board shall place the question presented, with the Findings and Purpose section  
14 herein, before the people of the Commonwealth for vote in the next regular  
15 general election.

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

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<sup>2</sup> Article XVIII section 2 (c) requires two-thirds of the votes for passage.

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

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

Prefiled: 1/14/15

Date: 1/14/15

Introduced By: /s/ Rep. Felicidad T. Ogumoro

Reviewed for Legal Sufficiency by:

/s/ John F. Cool  
House Legal Counsel