



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor

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

26 AUG 2016

The Honorable Francisco M. Borja
Senate President, The Senate
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 19-2, HD1, SD1 entitled, "To create the Second Marianas Political Status Commission; to examine whether the people desire continuing in a "Political Union with the United States of America" pursuant to the Covenant; 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 which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 19-63**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES

cc: Lt. Governor; Attorney General's Office; Press Secretary; Mayor of Saipan; Mayor of Tinian; Mayor of Rota; Secretary of Finance; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

19th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

July 20, 2016

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 19-2, HD1, SD1** entitled: "To create the Second Marianas Political Status Commission; to examine whether the people desire continuing in a "Political Union with the United States of America" pursuant to the Covenant; 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.", which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

Sincerely,

A handwritten signature in black ink, appearing to read "Venetia A. Sanchez".

Venetia A. Sanchez
Acting House Clerk

Attachment



*Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

First Regular Session

February 6, 2015

Representative Felicidad T. Ogomoro, of Saipan, Precinct 3 (*for herself*.) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 19-2, HD1, SD1

AN ACT

**TO CREATE THE SECOND MARIANAS POLITICAL STATUS COMMISSION;
TO EXAMINE WHETHER THE PEOPLE DESIRE CONTINUING IN A
"POLITICAL UNION WITH THE UNITED STATES OF AMERICA"
PURSUANT TO THE COVENANT; 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.**

The Bill was referred to the House Committee on Federal and Foreign Affairs, which submitted Standing Committee Report 19-1; adopted 4/9/15.

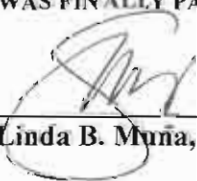
**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING , APRIL 9, 2015;**
with amendments in the form of H. B. 19-2, HD1 and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Federal Relations and Independent Agencies, which submitted Standing Committee Report 19-98; adopted 6/24/16.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, JUNE 24, 2016;
with amendments in the form of H. B. 19-2, HD1, SD1 *and was returned to*
THE HOUSE OF REPRESENTATIVES.

The House of Representatives accepted the Senate amendments and passed H. B. 19-2, HD1, SD1 during its Second Day, Fifth Special Session on July 14, 2016.

THE BILL WAS FINALLY PASSED ON JULY 14, 2016



Linda B. Muña, House Clerk



*Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

Second Day, Fifth Special Session

July 14, 2016

H. B. No. 19-2, HD1, SD1

AN ACT

TO CREATE THE SECOND MARIANAS POLITICAL STATUS COMMISSION; TO EXAMINE WHETHER THE PEOPLE DESIRE CONTINUING IN A "POLITICAL UNION WITH THE UNITED STATES OF AMERICA" PURSUANT TO THE COVENANT; 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 Nineteenth Northern Marianas Commonwealth Legislature:

1 **Section 1. Short Title.** This Act may be cited as the "Second Marianas Political
2 Status Commission Act of 2015".

3 **Section 2. Findings.** The Legislature finds:

4 (a) That United Nations General Assembly Resolution 1541 permits free association
5 with a, or full and equal integration into another political state, but that these options are
6 subject to strict limitations to prohibit unlawful colonialism.

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

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

HOUSE BILL 19-2, HD1, SD1

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

3 (3) That the terms of the political association be set down in an agreement
4 binding on both parties.

5 (c) That the indigenous people of the Northern Marianas Islands negotiated the
6 Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union
7 with the United States of America (referred to in this Act as "the Covenant"), and in the
8 exercise of their right to self-determination as guaranteed by the United Nations, through a
9 plebiscite, approved the Covenant.

10 (d) That on December 22, 1990, the United Nations Security Council terminated the
11 Trusteeship Agreement for the Northern Mariana Islands in United Nations Security Council
12 Resolution 683, thereby giving the Northern Mariana Islands the status of a former trust
13 territory and activating Principle VII of Resolution 1541.

14 (e) That the people desire to reexamine whether continuing in a "Political Union with
15 the United States of America" under the Covenant is in their best interest, or whether some
16 other political status will better enable them to fulfill their hope and aspirations in attaining
17 full and meaningful self-government, as stated by the late U.S. Senator Jacob Javits of the
18 State of New York in the deliberations of the Covenant and as amended.

19 **Section 3. Purpose.** The purpose of this Act is to create the Second Marianas
20 Political Status Commission (Commission), which will have broad authority to review, study,
21 examine, conduct public political education and awareness and all others that may assist the
22 Commission in accomplishing its responsibilities under this Act, which shall include but not
23 limited to:

24 (a) Examining the present political relationship between the Northern Marianas and
25 the United States; and

26 (b) Determine whether the people of the Northern Mariana Islands are still in favor of
27 continuing in "Political Union with the United States of America" pursuant to the Covenant,
28 and/or preferred some other political status options that would better enable them to fulfill
29 their hope and aspirations of full, meaningful and a well-define self-government status.

30 In accomplishing such mission the Commission shall:

31 (a) Examine what positions and actions taken by the United States toward the
32 Northern Mariana Islands that may contradict and violates the provisions and spirit of
33 the Covenant, which may upset, or upsetting the people of the Northern Mariana
34 Islands, and

35 (1) Whether such positions and actions taken by the United States are
36 based on their "own" interpretation on how they should implement and
37 enforce the provisions of the Covenant, regardless; and

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1 (2) Whether such positions and actions taken by the United States
2 warrant the people of the Northern Mariana Islands to carefully review, and to
3 reconsider their Political Union with the United States of America as
4 established by the Covenant; and

5 (b) Explore and study any and all other alternative political status options that
6 offers a full, meaningful and a well-define self-government status that is favorable
7 and acceptable to the people of the Northern Mariana Islands; and

8 (c) Submit its Final Report on such findings and recommendation(s), out-
9 lining and describing the political status options to the Northern Marianas
10 Commonwealth Legislature for their review and approval.

11 (1) After such review and approval, the Legislature shall present such
12 political status option(s) to the Commonwealth Election Commission (CEC).
13 The CEC shall present such political status option(s) to the people of Northern
14 Marianas Islands who are qualified to vote for their approval or disapproval in
15 a plebiscite as set forth below.

16 (2) The Legislature, in a Joint Legislative Session of the House and
17 Senate, shall, by law or through a Joint Resolution, call for a plebiscite on
18 such political status option(s) and schedule a special election to be conducted
19 ninety (90) working days from the receipt of such recommendations by the
20 Commonwealth Board of Election.

21 **Section 4.** The following is hereby enacted:

22 "Section 101. Second Marianas Political Status Commission.

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

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

27 (1) The Governor, in consultation with the Mayor of Rota, the First
28 Senatorial District, shall appoint two persons who shall be residents and
29 domiciled on the island of Rota; and

30 (2) The Governor, in consultation with the Mayor of Tinian and
31 Aguiguan, the Second Senatorial District, shall appoint two persons who shall
32 be residents and domiciled on the islands of Tinian and Aguiguan; and

33 (3) The Governor, in consultation with the Mayors of Saipan and, the
34 islands North of Saipan, shall appoint five persons who shall be domiciled on
35 the island of Saipan and the islands North of Saipan; and

36 (c) No person shall be appointed to or serve on the Commission unless he or
37 she is over twenty-five years of age, has never been convicted of a felony, or if
38 convicted, has been fully pardoned, and who is a United States Citizen and has been

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1 domiciled in the Northern Mariana Islands for at least five consecutive years at the
2 time of appointment. Such person shall have at least good knowledge of the Northern
3 Mariana's political history, the people's desire to attain full, meaningful and a well-
4 defined self-government, the Covenant that Established the Commonwealth of the
5 Northern Mariana Islands in Political Union with the United States of America, the
6 status of the U. S. Territories, and other political status attained by former Trust
7 Territory District in Micronesia.

8 (1) The appointment of the members of the Commission shall be made
9 no later than sixty calendar days from the effective date of this Act.

10 (2) The Speaker of the House and the President of the Senate shall be
11 ex-officio-non-voting members of the Commission and shall serve on the
12 Commission until the work of the Commission is completed.

13 (3) The term of each person appointed by the Governor to serve on the
14 Commission shall commence upon his/her appointment and shall serve the
15 Commission until the work of the Commission is completed.

16 (d) A vacancy on the Commission shall be filled in the same manner as the
17 original appointment, no later than thirty calendar days following the creation of such
18 vacancy.

19 (e) The members of the Commission shall be compensated at the rate
20 established in 1 CMC § 8247 (a), as may be amended. All members of the
21 Commission shall be entitled to reimbursement for reasonable, necessary and actual
22 expenses incurred by them in the course and scope of their work for the Commission,
23 in accordance with the rate then in effect of employees of the executive branch of the
24 Commonwealth Government. The Chairperson of the Commission shall certify to the
25 Secretary of Finance all claims for payment of such reimbursement.

26 (f) The Commission shall be deemed to be operational upon the appointment
27 of all its members, and shall continue in existence until the Commission submits its
28 findings and recommendation(s) to and accepted by Legislature; and, by a joint
29 resolution, certifies that the work of the Commission has been fully completed;
30 thereby, dissolving the Commission officially.

31 Section 102. Organization of the Commission.

32 (a) The Commission shall hold its first meeting, no later than thirty calendar
33 days after all its members are appointed. The Speaker of the House of Representatives
34 shall convene the first meeting and shall preside until such time a Chairperson is
35 elected. The members of the Commission shall elect from among themselves a
36 Chairperson, a Vice Chairperson and such other officers as the Commission may
37 require.

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

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

9 (d) The Commission shall have the right to hold open and public meetings, as
10 it deems appropriate from time to time, to carry out its powers and duties under this
11 Act. The Commission may meet in executive meetings if authorized by the
12 affirmative vote of two-thirds of the members of the Commission provided that final
13 action on any matter may not be taken in an executive meeting. A written record of
14 all meetings shall be kept. All public meetings shall be preceded by notice in at least
15 one radio station and one newspaper of local circulation for at least one week prior to
16 the meeting. The public shall be given a meaningful and adequate opportunity to
17 participate in all public educations hearings and meetings.

18 (e) Within thirty (30) working days from the date upon which the Commission
19 becomes operational, it shall submit to the House of Representatives a proposed
20 budget for its operations and activities.

21 Section 103. Powers and Duties of the Commission. The Commission shall
22 have the following powers and duties:

23 (a) To carry out the purpose of this Act as fully described in Section 3; and

24 (b) To review and examine carefully whether the people of the Northern
25 Mariana Islands, under the present political status as a "Commonwealth of the
26 Northern Mariana Islands in Political Union with the United States of America,"
27 pursuant to the Covenant, meets their hope and aspiration to govern themselves; and

28 (c) To determine whether such political status established by the Covenant
29 complies with the mandate of the United Nations General Assembly Resolution 1541,
30 Principal VII; and

31 (d) To examine matters that negatively impact the political relationship with
32 the United States pursuant to the Covenant; and

33 (e) To examine the present political status of the former Trust Territory
34 Districts in Micronesia of what is now: The Republic of Palau, the Republic of the
35 Marshalls, and the Federated States of Micronesia (Pohnpei, Kosrae, Chuuk and Yap)
36 for possible political status option for the Northern Mariana Islands; and

37 (f) To review the current status of the U. S. Territories; such as Guam,
38 American Samoa and the Virgin Islands, and the Commonwealth of Puerto Rico, in a

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1 such way that will help the Commission to evaluate the practices of the United States
2 in their administration and control over these territories and how such practices relates
3 to the Northern Mariana Islands; and

4 (g) To conduct political education on Saipan, Tinian and Rota as regard to the
5 Northern Mariana Islands political relationship with the United States; and

6 (h) To present what other political status options available for consideration
7 such as Independence or Free Association; and

8 (i) To submit periodic reports to the Legislature concerning its activities
9 pursuant to this Act, no less frequently than every three months once it becomes
10 operational, and to submit the Final Report on its findings and recommendation(s) on
11 such political status option to the Legislature eighteen (18) calendar months but not
12 later than twenty one (21) calendar months from the date upon the Commission
13 becomes operational.

14 (j) To conduct its last public education and hearings on each of the islands of
15 Saipan, Tinian, and Rota, and shall allow the public the opportunity within a
16 reasonable time to comment upon such findings and recommendations on such
17 political status option(s) three months before the Commission's Final Report is
18 submitted to the Legislature

19 Section 104. Adoption of the Commission's Final Report.

20 (a) Upon the receipt by the Legislature of the Commission's Final Report on
21 its findings and recommendations on such political status and option(s), the
22 Legislature shall have 90 working days to review such findings and recommendations
23 in a Joint Meetings of the House and the Senate, called by its presiding officers and
24 may meet with the Commission for clarification of its findings and recommendations
25 on such political status option(s). The Legislature, if they find it necessary, may make
26 such changes or amendments that are appropriate to meet the purpose and intent of
27 the Act. Thereafter, the Legislature, in a Joint Legislative Session, by a Joint
28 Resolution, certify that it has approved or rejected the Commission's Final Report on
29 its findings and recommendation on such political status option(s), and as amended by
30 the Legislature - if any. If the Commission's Final Report is approved by the
31 Legislature, the Legislative clerks of the House and the Senate shall certify the
32 approval and shall transmit a copy of such Final Report immediately to the
33 Commonwealth Election Commission showing the recommended political status
34 option(s) that will be placed on the ballot pursuant to this Act.

35 (1) The Commonwealth Election Commission shall present the certified
36 political status option(s) to qualify voters in the Northern Mariana Islands for their
37 approval or disapproval in a plebiscite scheduled pursuant to this Section and shall
38 certify the results of the plebiscite to the presiding officers of the Legislature.

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1 (2) If more than one recommended political status option is on the ballot, and
2 if no one political status option receives a majority of the votes cast in the plebiscite, a
3 run-off election for such plebiscite shall be held forty-five calendar days from the date
4 upon which the result of the first plebiscite was certified to the Legislature between
5 the two status options which received the highest number of votes. If the forty-five
6 calendar days falls within a working day (Monday through Friday), then the plebiscite
7 shall be held on Saturday of that same week.

8 Section 105. Employment. The Commission may employ secretaries, legal
9 counsel and other consultants or staff as the Commission may require, and upon
10 request by the Chairperson of the Commission, the Governor and the Legislature and
11 the Public Auditor shall make available to the Commission such professional
12 personals and technical assistance needed to fulfill its responsibilities.

13 Section 106. Contracts. The Commission may enter into such contracts, leases,
14 or other agreements or transactions as may be necessary and proper to fulfill its duties
15 and responsibilities under this Act and execute all instruments that are necessary and
16 appropriate in the exercise of any of its functions permitted under this Act.

17 Section 107. None applicability of and Hiring of: The laws of the
18 Commonwealth pertaining to procurement, personnel and employment shall not apply
19 to the Commission. The hiring of consultants, and professional staff, and employees
20 shall be made on the basis of education, experience, merit, skill and knowledge
21 without any political interference, interest or affiliations.

22 Section 108. Repositories for Commission Documents. The Northern
23 Marianas Archives at the Northern Marianas College shall be the repository for all
24 un-classified records and material pertaining to the work of the Commission, which
25 shall include but not limited to: Minutes of all meetings of the Commission and
26 Committees, Recorded Public Educations and Hearings, All Research and Studies of
27 all political status options, and all other materials pertaining to the works of the
28 Commissions.

29 (a) The Commission shall identify and mark all record that shall be kept
30 classified, and transfer such records to the Commonwealth Recorder's Office for
31 secured retention. Such classified records may be made available only upon an
32 official request to the Commonwealth Recorder's Office pursuant to the CNMI Open
33 Government Act.

34 (b) Un-classified records of all public meetings can be made available for
35 review by the public and copy of such records may be made available upon request.

36 (c) Payment for a reasonable cost for preparing and producing copy of such
37 un-classified or classified documents or materials shall be made before such copy or
38 copies are released.

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1 Section 109. Financial and Audit Services. The Public Auditor shall provide
2 financial audit services to the Commission while it is in existence, and shall
3 commence an audit of the financial records of the Commission immediately upon the
4 completion of its work and dissolution. The audit report shall be completed within
5 ninety calendar days of the dissolution of the Commission, and shall thereupon
6 promptly be submitted to the presiding officers of the Legislature.

7 Section 110. Appropriation and Authorization for Appropriation.

8 (a) Without further legislative appropriation, the Governor shall reprogram the
9 sum of not less than \$100,000.00 to the Commission, to support the operations of the
10 Commission.

11 (b) The Commission shall make quarterly reports to the presiding officers of
12 each house of the Legislature regarding the actual expenditure of all funds advanced
13 or appropriated for its operations.

14 (c) The Secretary of Finance shall create a special account for the
15 Commission, into which all funds advanced or appropriated to it shall be deposited.
16 The Secretary of Finance shall release funds from this account upon a justified
17 request for advance or payment by the Chairperson of the Commission, who, pursuant
18 to this Act, is the sole expenditure authority of all such funds.

19 (d) Funds appropriated to the Commission may be spent without regard to
20 fiscal year limitation.”

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


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

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Section 7. Effective Date. This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER RAFAEL S. DEMAPAN
House of Representatives
19th Northern Marianas Commonwealth Legislature

Approved this 26th day of August, 2016


RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands