A BILL FOR AN ACT

To create the Second Marianas Political Status Commission; to reexamine whether the people desire continuing in a “commonwealth” relationship with the United States pursuant to the terms of the original Covenant agreement; 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 SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be cited as the “Second Marianas Political and Economic Status Commission Act of 2010”

Section 2. Findings. The Legislature finds:

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

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

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

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

(3) and that the terms of the political association be set down in an agreement binding on both parties.
(c) That the people of the Northern Mariana Islands negotiated the Covenant to Establish a Commonwealth of the Northern Mariana Islands In Political Union With The United States of America (referred to in this Act as "the Covenant"), and the people approved it, in the exercise of their right to self-determination as guaranteed by the United Nations and by international law.


(e) That the people desire to reexamine whether continuing in a "commonwealth" relationship with the United States pursuant to the terms of the Covenant is in their best interest, or whether some other political status will better enable them to fulfill their aspirations of full and meaningful self-government, as stated by the late U.S. Senator Jacob Javits of the State of New York in the deliberations of the Covenant and as amended.

Section 3. Purpose. The purpose of this Act is to create a commission, representative of the people of the Northern Mariana Islands, which will have broad authority to examine the provisions of the Covenant, the actions of the United States in interpreting and implementing the Covenant, to examine alternative political and economic status options for the Northern Mariana Islands, and to make one or more recommendations regarding a desirable future political status to the Commonwealth Legislature for approval by the people of the Northern Mariana Islands, in a plebiscite under Commonwealth Law.

Section 4. Second Marianas Political Status Commission.

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

(b) The Commission shall consist of eleven voting members and two non-voting ex-officio members as follows:

(1) Two persons shall be domiciled on the island of Rota, one whom shall be appointed by the Mayor of Rota, and one of whom shall be appointed by resolution of the Rota Legislative Delegation to the Commonwealth Legislature.
(2) Two persons who shall domiciled on the island of Tinian, one of whom shall be appointed by the Mayor of Tinian, and one of whom shall be appointed by resolution of the Tinian Legislative Delegation to the Commonwealth Legislature.

(3) Two persons who shall be domiciled on the island of Saipan, one of whom shall be appointed by the Mayor of Saipan in consultation with the Mayor of the Northern Islands, and one of whom shall be appointed by resolution of the Saipan and Northern Islands Legislative Delegation to the Commonwealth Legislature.

(4) Five persons to be appointed by the Governor, at least one of whom shall be of Carolinian descent, at least one of whom shall be female, and at least two of whom shall be a member of the business community. Public interest groups and the public at large shall be invited by the Governor to submit names for nominations of these appointments.

(5) The Speaker of the House of Representatives and the President of the Senate shall serve as non-voting, ex-officio members of the Commission.

(c) No person shall be appointed to, or shall serve on, the Commission unless he or she is over twenty-five years of age, has never been convicted of a felony, or if convicted, has been fully pardoned, is a United States Citizen or is of Northern Mariana descent as defined in Article XII, Section 4 of the Constitution and has been domiciled in the Northern Mariana Islands for at least five consecutive years at the time of appointment.

(d) Appointment of all initial members shall be made by the persons or bodies charged with the duties of making those appointments, as set out in Section 4 (b) of this Act, no later than sixty calendar days after the effective date of this Act. The appointment of those persons who hold the official positions specified in Section (b) (4) and (6) of this act shall be deemed automatic by operation of this Act. The term of each appointment shall commence upon appointment, and shall last until the work of the Commission is completed. A vacancy on the Commission shall be filled in the same manner as the original appointment, no later than thirty calendar days following the creation of the vacancy.

(e) The members of the Commission shall be compensated at the rate established in 1 CMC section 8247 (a), as may be amended. However, elected officials or
employees of the Commonwealth government shall receive no compensation for their work on the Commission in addition to their regular salary. All members shall be entitled to reimbursement for reasonable, necessary and actual expenses incurred by them in the course and scope of their work for the Commission, in accordance with the rate then in effect of employees of the executive branch of the Commonwealth government. The Chairperson of the Commission shall certify to the Director of the Department of Finance all claims for payment.

(f) The Commission shall be deemed to operational upon the appointment of all its members, and it shall continue in existence until the Legislature, by joint resolution, certifies that the work of the Commission has been fully completed and dissolves it.

Section 5. Organization of the Commission.

(a) The members shall hold their first meeting no later than thirty calendar days after the appointment of all the members. The Speaker of the House of Representatives shall convene the first meeting and shall preside until such time a Chairperson is elected. The Commission shall elect from among the members a Chairperson and such other officers as it may require.

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

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

(d) The Commission shall have the right to meet in non-public executive sessions or to hold public meetings, as it deems appropriate from time to time, to carry out its powers and duties under this Act. A written record of all meetings shall be kept. All public meetings shall be preceded by notice in at least one newspaper of local circulation for at least one week prior to the meeting. The public shall be given a meaningful and adequate opportunity to participate in all public meetings. The minutes and other documents of the
Commission pertaining to non-public executive sessions shall remain secured at the
designated repository stated in Section 8 of this Act, and shall be made available only upon
an official request pursuant to the CNMI Open Government Act. Records of all public
meetings shall be made available for public inspection and copies shall be made available
upon the payment of a reasonable cost.

(e) Within thirty calendar days of the date upon which the Commission
becomes operational, it shall submit to the House of Representatives a proposed budget for
its operations and activities. The proposed budget shall account for all funds then advanced
to it and for all projected funding requirements for the life of the Commission.

Section 6. Powers and Duties of the Commission. The Commission shall have the
following powers and duties:

(a) To reexamine the present political and economic status of the Northern
Mariana Islands as a “commonwealth” of the United States, and to examine the
interpretations placed by the United States on the “Covenant To Establish A Commonwealth
of the Northern Mariana Islands In Political Union With The United States Of America,”
and the performance by the United States and the Northern Marianas Islands of their
respective obligations under that document.

(b) To make such studies as it may deem necessary concerning the present and
future political and economic status of the Northern Mariana Islands, including but not
limited to, complete independence from any political state, independence in free association
with the United States of America, maintaining the status quo, or status as a territory or state
of the United States.

(c) To conduct political education with the Northern Mariana Islands and to
conduct polls or otherwise to ascertain the desires of the citizens of the Northern Mariana
Islands regarding their present and future political status.

(d) To make findings and recommendation regarding what political and
economic status is in the best interest of the people of the Northern Mariana Islands and to
produce draft treaties, agreements and laws reflecting any such status.
(e) To employ secretaries, legal counsel and other consultants or staff as it may require to fulfill its responsibilities. Upon request by the Chairperson of the Commission, the Legislature shall make available to the Commission such technical assistance as it may be able to provide. The laws of the Commonwealth pertaining to procurement, personnel and employment shall not apply to the Commission. No political test or qualification shall be permitted or given consideration in the selection of employees or consultants, but all such appointments shall be made on the basis of merit, skill and knowledge.

(f) To acquire, hold, operate, use and maintain any interest in personal or real property, and to enter into and to perform such contracts, leases, or other agreements or transactions as may be necessary and proper to the fulfillment of the obligations of the Commission under this Act.

(g) To execute all instruments necessary and appropriate in the exercise of any of its functions.

(h) To accept gifts or donations of services or of real or personal property as may aid its activities in fulfilling its obligations under this Act.

(i) To submit periodic reports to the Legislature concerning its activities pursuant to this Act, no less frequently then every three months once it becomes operational, and to submit a final report to the Legislature containing its final findings and recommendations no later than eighteen (18) calendar months after the date upon the Commission becomes operational. Before any such final report is submitted to the Legislature, the Commission shall conduct public hearings on each of the islands of Saipan, Tinian, and Rota, and shall provide the public adequate opportunity to comment upon a proposed draft report.

Section 7. Adoption of the Commission’s Final Report.

(a) Upon the receipt by the Legislature of a final report of the Commission containing its findings and recommendations, the Legislature shall have 30 days to certify by joint resolution that the work of the Commission is complete and that the Commission is dissolved or to return the final report to the Commission requesting clarification and/or
further examination of the present political and economic status of the Northern Mariana Islands as specified in detail by the Legislature. If the Legislature fails to act within the 30 days time period, then the final report will be deemed a certified and transmitted to the Commonwealth Election Commission pursuant to section 7(b).

(b) Unless the final report recommends that no action be taken, the presiding officers of the Legislature thereafter shall cause to be transmitted to the Commonwealth Election Commission the final recommendation or recommendations to be submitted by the Board to the people of the Northern Mariana Islands for adoption in a plebiscite. Not earlier than four (4) calendar months, nor later than six (6) calendar months, after this transmittal, the Commonwealth Election Commission Board shall cause a special plebiscite on the recommendation or recommendations of the Commission to be conducted, and shall certify the results of the plebiscite to the presiding officers of the Legislature.

(c) If more than one recommended political status is on the ballot, and if no one political status receives a majority of the votes cast in the plebiscite, a run-off plebiscite shall be held forty-five calendar days from the date upon which the result of the first plebiscite was certified to the Legislature between the two status recommendations which received the highest number of votes.

Section 8. Repositories for Commission Documents. The Northern Marianas Archives at the Northern Marianas College shall be the repository for all public records and material pertaining to the work of the Commission. All non-public records and documents of the Commission shall be transferred by the Commission to the Director of the Legislative Bureau for secured retention in accordance with the confidentiality provisions of Section 4(d) of this Act. The Commission shall transfer all of its official public documents to the appropriate repository upon completion of its work.

Section 9. Financial and Audit Services. The Public Auditor shall provide financial audit services to the Commission while it is in existence, and shall commence an audit of the financial records of the Commission immediately upon the completion of its work and dissolution. The audit report shall be completed within ninety calendar days of the
dissolution of the Commission, and shall thereupon promptly be submitted to the presiding officers of the Legislature.

Section 10. Appropriation and Authorization for Appropriation.

(a) The sum of $50,000 is authorized to be appropriated by the Legislature in accordance with the provisions of the "Planning and Budgeting Act" (1 CMC Section 7101 et seq.) as an advance to the Commission to begin operations. The Legislature is authorized to appropriate such additional funds as may be necessary to carry out the purposes of this Act;

(b) The Commission shall provide a budget detailing the proposed expenditure of the initial $50,000 appropriation to the Legislature no later than 60 days after the appointment of all members;

(c) The Commission shall make quarterly reports to the Legislature regarding the actual expenditure for all funds appropriated to the Commission;

(d) The Secretary of Finance shall create a special account for the Commission, into which all funds appropriated to it shall be deposited. The Secretary of Finance shall release funds from this account upon the certification of the Chairperson of the Commission, who shall have sole expenditure authority over all such funds; and

(e) Funds appropriated to the Commission may be spent without regard to fiscal year limitation.

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

Section 12. Savings Clause. This Act and any repealers contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.
1 Section 13. Effective Date. This Act shall take effect upon its approval by the
2 Governor, or its becoming law without such approval.

Date: 1/28/2010
Introduced By: Stanley T. McGinnis Torres

Reviewed for Legal Sufficiency by:

House Legal Counsel